III-IV

THE EARLY RELATIONS

BETWEEN

MARYLAND AND VIRGINIA

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History is Past Politics and Politics are Present History—*Freeman.*

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III-IV

THE EARLY RELATIONS BETWEEN MARYLAND AND VIRGINIA

By JOHN H. LATANÉ, A. B.

IS HISTORY PAST POLITICS?

By The Editor

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THE EARLY RELATIONS BETWEEN MARYLAND AND VIRGINIA.

Introduction.

The purpose of this paper is to give an account of the relations between Virginia and Maryland from the settlement of the latter colony to the agreement between Lord Baltimore and the agents of Virginia in November, 1657, when Lord Baltimore was permitted to assume control of the government of his province, which had been taken out of his hands five years before by the commissioners of Parliament and since that time held by the Puritans.

The unfriendly relations, which existed between Maryland and Virginia for a long period and which have been perpetuated in a local way in the boundary disputes of our own times, were the historic outcome of the loose and careless way in which the English territory in the New World was granted out by the King, and the want of geographical knowledge on the part of those who had jurisdiction over matters involved in the first controversies. The original grant to the Virginia Company included a large part of the present area of the United States. The territory subsequently granted to Lord Baltimore was, of course, carved out of this original grant to the Virginia Company. While the Virginians strenuously opposed the Maryland charter, it is not likely that any serious difficulty would have arisen, had it not been for Claiborne's settlement on Kent Island. His case was not decided in

England until 1638, six years after the charter of Maryland was granted to Cecilius Calvert. Meanwhile, in every act of resistance to the Proprietary of Maryland, Claiborne was backed by the strongest expressions of encouragement and approval from the King and from the Council of Virginia.

A few years later the relations between the two colonies were further complicated by the expulsion of a large number of Puritans from Virginia and their settlement in Maryland. During the Protectorate, when the hand of Lord Baltimore was powerless, these Puritans quarreled with the Catholics and a state of civil war for some time prevailed. Claiborne was in no way responsible for this state of affairs, and although he was one of the commissioners appointed by Parliament for the reduction of the colonies to the authority of the Commonwealth of England, he seems to have had very little to do with Maryland at this period.

As the Puritan element in the early history of Virginia has been almost entirely overlooked, more space has been given to the history of the Puritans in that colony than would otherwise have been necessary.

I.

Opposition to Lord Baltimore's Charter and the Dispute over Kent Island.

In October, 1629, George Calvert, Baron Baltimore, arrived in Virginia on his way to England from his plantation in Newfoundland. He had already addressed a letter to his majesty signifying his intention of asking for a grant of land in Virginia,[1] in order that he might transfer his colony from Newfoundland to a more congenial climate. He was rather coldly received by the Virginians, who had received some intimation of his intention to settle in their midst. Being

[1] Maryland Archives, Council Proceedings, I, 15.

very zealous in their efforts to exclude Romanists from their colony, they tendered to him the oaths of supremacy and allegiance. These as a professed Catholic he could not take, and accordingly departed for England.[1] The following brief entry on the Virginia Court Records is the only reminiscence of this visit, but it serves to illustrate the state of feeling existing at the time in reference to this distinguished visitor. "Thomas Tindall to be pilloried two hours for giving my Lord Baltimore the lie and threatening to knock him down."[2]

This visit of Lord Baltimore to Virginia made the inhabitants of that colony uneasy, knowing as they did the high favor in which he stood at court. A petition, therefore, was addressed to the King, on the 30th of November, 1629, by Dr. John Pott, the Governor, Samuel Mathews, Roger Smith, and William Claiborne, members of the Council, telling of Lord Baltimore's visit, and asking for a confirmation of their rights and protection for their religion.[3]

In May of the following year Claiborne, the Secretary of the colony of Virginia, was sent to England for the purpose of preventing the confirmation of a grant of land about to be made to Lord Baltimore south of the James.[4] The protest was successful for the time being. Lord Baltimore, however, did not relinquish his plan, and two years later succeeded in obtaining a grant north of the Potomac of as extensive a territory, and with as ample powers of government, as he could have hoped for. He died in April, 1632, before the papers passed the seal, and the grant was confirmed to his son Cecilius Calvert on the 20th of June, 1632.

Lord Baltimore's charter described the territory conveyed as *hactenus inculta* and inhabited only by savages. This was not true of the whole territory as Kent Island in the Chesapeake

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[1] Maryland Archives, Council Proceedings, I, 16.
[2] Hening, I, 552.
[3] Maryland Archives, Council Proceedings, I, 16.
[4] Browne, *History of Maryland*, 16.

had been previously settled under the Virginia government by William Claiborne, the Secretary of State of that colony. Claiborne had been for several years engaged in trading with the Indians along the waters of the Chesapeake and its tributaries. For this purpose licenses were issued to him by the Governors of Virginia in the years 1627–28–29, giving him ample authority to trade with the natives for corn, furs, or any other commodity, and to make discoveries.[1] In the year 1629, he seems to have established a trading post on Kent Island, although the island was not regularly settled until two years later.

Encouraged by the success of his enterprises in Chesapeake Bay, Claiborne decided to extend his trade beyond the limits of Virginia. For this purpose he entered into partnership with certain parties in London, Clobery and Company, and obtained a special license from the King, dated May 16, 1631.[2] This license seems to have been drawn up by Sir William Alexander, the Scottish Secretary, under the privy seal of Scotland, and was obtained with a special view to carrying on trade with Nova Scotia, although the New England colonies were also mentioned in it, and Claiborne was authorized to trade for corn, furs, or any other commodity, in all those parts of America for which patents had not already been granted for sole trade. Nova Scotia had been granted to Sir William Alexander several years before, under the Scottish seal, to be held of the Crown of Scotland.[3] This accounts for Claiborne's license being issued under the seal of Scotland instead of England. It is hard to say just what the validity of such a paper was, or whether it had any validity at all. It was certainly equally as valid as the grant to Sir William Alexander under the seal of Scotland,[4] which was never called in question. It is important to note this license, because it was

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[1] Maryland Archives, Council Proceedings, II, 158–161.
[2] *Ibid.*, I, 19.
[3] Purchas, Vol. IV, 1871.
[4] Chalmers, *Annals*, 212.

on the technicality that a paper under the seal of Scotland could not be argued against one under the seal of England, that the case was decided against Claiborne by the Commissioners of Plantations in 1638. Governor Harvey of Virginia also issued a license to Claiborne a few months after the one just referred to, authorizing him to "go unto the plantations of the Dutch, or unto any English plantation."[1]

In 1631 Kent Island was "planted and stocked" by Claiborne and his partners. The trading post was converted into a regular plantation. Captain William Claiborne, according to his own statement, "entered upon the Isle of Kent, unplanted by any man, but possessed by the natives of that country, with about 100 men and there contracted with the natives and bought their right, to hold of the Crown of England to him and his company and their heirs, and by force or virtue thereof William Claiborne and his company stood seized of the said Island."[2] There is no mention in the Virginia records of any formal grant to Claiborne by the Governor and Council, and his own language seems to imply that there was none, but that he based his claims solely on occupancy and purchase from the Indians.

The principal objections that have been raised to Claiborne's title to Kent Island may be classed under two heads, (1) that the Virginia colony had no right to the land in question at the time of its settlement, as their charter had been taken away several years before; and (2) that, even recognizing the jurisdiction of Virginia, Claiborne had no grant of land from the government of that colony, and hence that the settlement was merely a trading post.

The first of these objections is untenable. The colony of Virginia had as much right to Kent Island, at the time it was settled by Claiborne, as they had to the land upon which they were seated at Jamestown. There was no charter for

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[1] Maryland Archives, Council Proceedings, II, 163.
[2] *Ibid.*, II, 162.

either, but their rights had been repeatedly confirmed by the King, and all rights in the colonies at this time depended absolutely upon his word. 'The fact that the charter of the London Company had been annulled did not affect the rights of the colony to settle lands within the territory originally comprised in the grants to the Company, provided such lands had not already been granted by the Crown to other parties. This principle is distinctly stated in the commission issued to Governor Wyatt by James I shortly after the dissolution of the Company in 1624,[1] and again in a proclamation from Charles I in 1625, in explanation of the Quo Warranto proceedings.[2] This right was also confirmed by a special letter on the subject from the King's Council to the Governor and Council of Virginia, under date of July 22, 1634, in these words: "We do hereby authorize you to dispose of such proportions of lands to all those planters, being freemen, as you had power to do before the year 1625."[3]

In answer to the second objection it may be said that although there is no record of a grant to Claiborne, throughout the entire controversy with Lord Baltimore the Virginia Council recognized the validity of his title. It is further stated that there was no regular settlement on the island but only a trading post. Such was not the case. It appears from certain depositions taken in Virginia in May, 1640, in the case of Claiborne vs. Clobery, *et al.*, that the island was stocked with between 150 and 200 cattle, that orchards and gardens were laid out, that mills were constructed, and that all the usual appurtenances of a permanent plantation were there.[4] It also appears that women were resident upon the island,[5] a fact which has been often denied, and there is also reference made

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[1] Hazard, *Collection of State Papers*, I, 189.
[2] *Ibid.*, I, 203.
[3] Chalmers, *Annals*, Chap. V, note 16.
[4] Maryland Archives, Council Proceedings, II, 187, 196, 199, &c.
[5] *Ibid.*, 183 and 236.

to a child, who was slain by the Indians.[1] In the year 1632, the plantation was represented in the Virginia Assembly by Captain Nicholas Martian,[2] an ancestor of George Washington.[3] The minister in charge of the settlement was Rev. Richard James, a clergyman of the Established Church.[4]

Such was the condition of affairs when, on the 20th of June 1632, the charter of Maryland was granted to Lord Baltimore. This grant called forth a loud remonstrance from the Virginia people.[5] They protested against the division of their territory and the dismemberment of their colony. They claimed that the mere fact of the dissolution of the Company did not infringe the rights of the colony to lands within the former grants to the Company. This protest came from the colony as a whole and not from Claiborne, as has sometimes been stated. The matter was heard and answered at the Star Chamber July 3, 1633. Their Lordships decided to "leave Lord Baltimore to his charter and the other parties to the course of Law.[6] This was not a decision against Claiborne's claims to Kent Island, but against the wholesale claim of the colony of Virginia to all lands, whether vacant or settled, within their former grant.

Claiborne and his associates, hoping no doubt that the remonstrance of the Virginia colony would be effective in preventing Lord Baltimore's settlement in their territory, had deferred making any special plea on their own behalf until the result of the general decision should be known. As soon, however, as the decision was rendered against the claims of Virginia, Claiborne and his partners began to petition the King and Council for the protection of their interests. They claimed that they were not within Lord Baltimore's jurisdiction, as his charter comprehended only unsettled lands,

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[1] Maryland Archives, Council Proceedings, II, 206.
[2] Hening, I, 154.
[3] *Virginia Magazine of History and Biography*, April, 1894.
[4] Dr. Ethan Allen, *MS. Sketch of Old Kent Parish*, in Whittingham Library.
[5] Maryland Archives, Council Proceedings, I, 17.
[6] *Ibid.*, I, 21.

while they were a part of the colony of Virginia, having settled the island under that government before the grant to Lord Baltimore. The first petition was that of Sir John Wolstenholme and "other planters with Captain William Claiborne in Virginia," showing that they had settled the island with great expense, and praying that they might enjoy the same without interruption, and that Lord Baltimore might settle in some other place.[1] This was in November, 1633, just as Leonard Calvert was setting sail with the first colonists for Maryland.

Before leaving England the first settlers received from Lord Baltimore a set of instructions by which they were to be governed in planting the new colony. The fifth article of these instructions contains directions concerning Captain Claiborne. Lord Baltimore seems to have taken in the situation and to have recognized the importance of conciliating Claiborne. He directed his brother, upon his arrival in Virginia, to write to Claiborne; invite him to an interview; to tell him that his Lordship, understanding that he had "settled a plantation there within the precincts of his Lordship's patent," was "willing to give him all the encouragement he could to proceed;" and that Clobery and Company had asked for a grant of the island to them, "making somewhat slight of Captain Claiborne's interest," but that his Lordship had deferred the matter until he could come to an understanding with Claiborne. The article concludes with the command that if Claiborne refuses to come to him, he is to let him alone for the space of one year.[2] Unfortunately, these instructions were not carried out in all particulars.

In July preceding, the King had written to the Governor and Council of Virginia informing them that Lord Baltimore was about to settle Maryland and commanding them to treat him with the courtesy and respect due to a person of his rank,

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[1] Maryland Archives, Council Proceedings, I, 24.

[2] Calvert Papers, 131.

and to allow his servants and planters to buy and transport to their colony such cattle and other commodities as the Virginians could spare.[1] Lord Baltimore did not conduct to America in person his colony, but sent it out under the command of his brother Leonard Calvert. Leonard arrived in Virginia with his people in February, 1634, and remained there a few days in order to procure fresh supplies before proceeding to Maryland. While in Virginia he had an interview with Claiborne in which he formally notified him that henceforth he must consider himself a member of the Maryland colony and must "relinquish all relation and dependence" upon Virginia. At the next meeting of the Virginia Council a few days later, on the 14th of March, 1634, "Claiborne requested the opinion of the board, how he should demean himself in respect of Lord Baltimore's patent and his deputies now seated in the Bay." "It was answered by the board that they wondered why there should be any such question made. That they knew no reason why they should render up the rights of that place of the Isle of Kent, more than any other formerly given to this colony by his Majesty's patent; and that, the right of my Lord's grant being yet undetermined in England, we are bound in duty and by our oaths to maintain the rights and privileges of this colony. Nevertheless, in all humble submission to his Majesty's pleasure, we resolve to keep and observe all good correspondence with them, no way doubting that they on their parts will not intrench upon the interests of this his Majesty's plantation."[2] Backed by the authority of the Governor and Council of Virginia, Claiborne refused to consider himself a member of the Maryland colony and to yield his right to trade in the waters of the Chesapeake without license from Lord Baltimore.

Shortly after the Maryland colony had arrived at St. Mary's, charges were preferred against Claiborne by Captain Henry

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[1] Maryland Archives, Council Proceedings, I, 22.
[2] *Ibid.*, II, 164.

Fleete to the effect that he was inciting the Indians to acts of hostility against the new settlement. Complaint was immediately made by the Maryland authorities to the Governor of Virginia, who put Claiborne under bond not to leave Jamestown until the charges were investigated. For this purpose commissioners were appointed by both governments, who met at Patuxent on the 20th of June, 1634, and proceeded to examine the Chief of the Patuxents and other principal men as to the truth of Fleete's charges. The commissioners on the part of Virginia were Samuel Mathews, John Utie, William Peirce, and Thomas Hinton; those on the part of Maryland were George Calvert and Frederick Winter. Claiborne and several others were also present. The result was a complete vindication of Claiborne. The Chief of the Patuxents indignantly denied the charges, giving Captain Fleete the lie, and saying that if he were present he would tell him so to his face. He further added that he wondered that they should take any notice of what Fleete said, whereupon the Virginia commissioners, by way of explanation, said that the gentlemen of Maryland "did not know Captain Fleete so well as we of Virginia because they were lately come."[1] Fleete himself subsequently admitted the charges to be false, saying, by way of apology, that he had not made them under oath.[2] Fleete had been a rival of Claiborne in the fur trade, and upon the arrival of Baltimore's colony had pursued exactly the opposite policy, casting in his lot with the government at St. Mary's. Hence it was natural for one, who upon other occasions gave evidence of unscrupulousness of character, to try to prejudice the minds of the Marylanders against his rival.[3]

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[1] Maryland Archives, Council Proceedings, II, 164–167.

[2] Calvert Papers, 141.

[3] While allowing for his propensity to misrepresent facts when it was to his interest to do so, we know Fleete did good service to both colonies. Returning to Virginia he made friends with Claiborne. Some twenty years later these old rivals jointly petitioned the Virginia Assembly for authority to make discoveries towards the South and West. Fleete ended his career in Lancaster County, Virginia.

The charges against Claiborne, however, reached the ears of Lord Baltimore, and in September, 1634, he ordered his brother to seize the person of Claiborne and to detain him a close prisoner at St. Mary's until his Lordship's pleasure might be known. Calvert was also directed to take possession, if possible, of the plantation on Kent Island.[1]

At first Governor Harvey of Virginia seems to have taken the popular side of the controversy, but after the Marylanders were actually settled at St. Mary's, seeing no doubt that Lord Baltimore's influence would ultimately prevail against all attacks upon his charter, he warmly espoused the cause of the new colony. This, as we shall see, led to an insurrection in Virginia the following year, the upshot of which was that Governor Harvey was deposed from office and sent to England.

On the 15th of December, 1634, Lord Baltimore sent to Secretary Windebank to ask for a letter of thanks from the King to Sir John Harvey, for the assistance he had given to his Maryland plantation against "Claiborne's malicious behavior and unlawful proceedings." He said that his plantation, then in its infancy, would be in great danger of being overturned, if such letters were not sent off by the ship then ready to sail. Three days later a private letter from Secretary Windebank was obtained thanking Governor Harvey and desiring him to "continue his assistance against Claiborne's malicious practices." About ten days later the King wrote to Governor Harvey, stating the reasons for his grant to Lord Baltimore and desiring him to continue his assistance to Maryland. The tone of this letter, however, is very different from that of the one written by Secretary Windebank.[2] There is no mention in it of Claiborne or his "malicious practices." Charles I seems to have been a staunch friend to Claiborne. Throughout the whole controversy the King seems to have been on his side, and there is not a word against Claiborne

[1] Maryland Archives, Council Proceedings, II, 168.
[2] *Ibid.*, I, 25–27.

and his claims to Kent Island, with the exception of the private letter referred to above from Secretary Windebank to Harvey, until the decision against him by the Commissioners of Plantations in 1638. It is difficult to understand the cause of his influence with the King.

In October, 1634, the King was petitioned by Clobery and Company, Claiborne's partners in London, stating that Baltimore was about to dispossess them of Kent Island by force. This petition was occasioned by Baltimore's letter of September 4, to Governor Calvert, ordering him to seize the person of Claiborne and to take possession of the plantation. It drew from the King a very remarkable letter to the Governor and Council of Virginia, dated October 8, 1634, in which he says that Baltimore's interference with the planters on Kent Island is "contrary to justice and to the true intention of our grant to the said Lord: we do therefore hereby declare our express pleasure to be that the said planters be in no sort interrupted in their trade or plantation by him or any other in his right, ... and we prohibit as well the Lord Baltimore, as all other pretenders under him or otherwise to plantations in those parts to do them any violence, or to disturb or hinder them in their honest proceedings and trade there."[1] The King had made the grant to Lord Baltimore and he here explains the meaning of that grant.

Relying upon this letter and other assurances from the King, and from the Council of Virginia, Claiborne continued to trade in the waters of the Chesapeake. On the 5th of April, 1635, a pinnace from Kent Island in command of Thomas Smith was seized in the Patuxent River by Captain Fleete and Captain Humber for trading in Maryland waters without a license from the Proprietary. Smith showed copies of his Majesty's commission and the letters confirming it, but the Marylanders disregarded them saying they were false copies,[2] and the vessel

[1] Maryland Archives, Council Proceedings, I, 29.
[2] Calvert Papers, 141.

and goods were confiscated. This brought matters to a crisis. For the future Claiborne took the precaution of arming his vessels to prevent their being seized by the Maryland authorities. A collision soon took place, April 23, 1635, in the waters of the Pocomoke, between a vessel belonging to Claiborne, under command of Lieutenant Ratcliffe Warren, and two from St. Mary's under Captain Thomas Cornwalleys. The Marylanders lost one man, while on the other side Warren and two of his men were killed and the vessel surrendered. A second fight occurred on the 10th of May, also in the Pocomoke River, in which Thomas Smith commanded a vessel of Claiborne's, and more blood was shed. Claiborne's men seem to have been the successful parties in this fight, and they were able to maintain themselves on Kent Island and continue their trade for two years longer.

The news of these disturbances in Maryland reached Virginia at a very critical time. The opposition to Maryland and hence to Governor Harvey, who espoused the cause of the new colony, had been steadily on the increase. Claiborne was a man of great influence in Virginia, and the charges brought against him and the order to seize his person had caused considerable indignation in that colony. Nearly all the Councillors were his staunch personal friends. The feeling of the Virginians towards the neighboring colony had become extremely bitter. Captain Thomas Young, writing from Jamestown, July 13, 1634, says—"Here it is accounted a crime almost as heinous as treason to favor, nay, almost to speak well of that colony of my Lord's, and I have observed myself a palpable kind of strangeness and distance between those of the best sort in the country which have formerly been very familiar and loving one to another, only because the one hath been suspected but to have been a well-wisher to the Plantation of Maryland."[1] Governor Harvey, writing to Secretary Windebank, December 16, 1634, says that he accounts the

[1] Streeter Papers, Appendix, p. 291.

day when he did service to Lord Baltimore as the happiest of his life, but regrets that his authority is no longer very great, being limited by the council, almost all of whom are against him in whatever he can propose, especially if it concerns Maryland. It is the familiar talk of the Virginians, he says, "that they would rather knock their cattle on the head than sell them to Maryland." He adds that he has great cause to suspect that this faction is nourished from England, for during the past summer Captain Mathews received letters from England, upon the reading of which he "threw his hat upon the ground, scratching his head, and, in a fury stamping, cried a pox upon Maryland."[1]

Other causes of complaint against Harvey were that he undertook to rule without his Council, appropriated public fines to his own use, and intrigued with the Indians.[2] He had Claiborne turned out of office and Richard Kemp appointed Secretary in his place. The feelings of the people were greatly excited, especially in York County, where Anthony Panton, the minister at Kiskiack, gave expression to the popular indignation, roundly abusing Secretary Kemp, calling him "a jackanapes," and saying that he would shortly be turned out as Claiborne had been.[3] Matters came to a crisis in April, 1635.[4] Another cause of complaint was the tobacco monopoly and Harvey enraged the people by refusing to send the protest of the Assembly to England. A petition to the Council for a

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[1] Maryland Archives, Council Proceedings, I, 29.

[2] Letter from Mathews to Sir John Wolstenholme, May 25, 1635.

[3] Robinson MS., p. 78.

[4] The materials, from which this account of the mutiny against Harvey is derived, are found largely in the McDonald Papers, Vol. II, pp. 163–208, in the Virginia State Library. The De Jarnette Papers and the Sainsbury Papers, in the State Library, and the Robinson and Randolph MSS. in the library of the Virginia Historical Society contain additional matter relating to Panton and his controversy with Kemp. The letters of Harvey and Mathews, giving accounts of the mutiny, are published in the Virginia Magazine of History and Biography, April, 1894. Kemp's account has never been published.

redress of grievances was circulated and the people assembled in crowds to sign it. Mathews, after relating the above mentioned causes of complaint, says that Harvey "had reduced the colony to a great strait by complying with the Marylanders so far that between them and himself all places of trade for corn were shut up from them and no means left to relieve their wants without transgressing his commands which was very dangerous for any to attempt. . . . The inhabitants also understood with indignation that the Marylanders had taken Captain Claiborne's pinnaces and men with the goods in them whereof they had made prize and shared the goods amongst them, which action of theirs Sir John Harvey upheld contrary to his Majesty's express commands."[1] The reference is to the seizure of the pinnace in command of Thomas Smith in the Patuxent, April 5. The news of the fight on the Pocomoke, April 23, did not reach Virginia until after the insurrection was over.

On April 27, a meeting was held at the house of William Warren at York to petition the council against Harvey, at which the chief speakers were Captain Nicholas Martian, who had formerly represented Kent Island in the Assembly, Francis Pott, a brother of Dr. John Pott the former Goverdor, and William English, the High Sheriff of York County. The next morning the Governor had the three arrested. When they demanded the cause of their commitment he answered that they should know at the gallows. The next day Pott was examined before the Council in regard to the petition he had circulated. He said that "if he had offended he did appeal to the King for he was sure of no justice from Sir John Harvey." Upon this he was again committed and the Council adjourned for that night. When they convened again the next day, the Governor, walking up and down the room in an excited manner, demanded that martial law should be executed against the prisoners. The Council insisted that

[1] Letter from Mathews to Sir John Wolstenholme, May 25, 1635.

they should have a legal trial. The Governor then asked the Council if they had knowledge of the petition, or of the people's grievances. George Minifie replied that the chief grievance was the detaining of the letters of the Assembly to his Majesty. Whereupon Harvey, rising in a great rage, struck him a severe blow on the shoulder, saying, "I arrest you upon suspicion of treason to his Majesty." Then Captain Utie, who was nearby, laid hands on the Governor, saying, "And we the like to you, Sir!" Samuel Mathews, afterwards Governor, then took Harvey in his arms and compelled him to be seated. While the Governor was struggling with Mathews and Utie, Dr. John Pott, brother of one of the prisoners, cautioning Harvey's servants not to interfere, waved his hand and 50 musketeers surrounded the house. As soon as the excitement had cooled down, Mathews told the Governor that the people's anger was beyond control unless he would consent to go to England to answer the complaints against him. At first Harvey would not hear to this, but finally agreed that if they would draw up their propositions in writing he would consider the matter. Two days later, finding that the insurrection was not confined to York County, but extended over the entire colony, he resolved to go to England, and signified his intention to the Council upon these conditions: (1) that they would select one of the Council, whom he should nominate, Governor until the King's pleasure should be known; (2) that they would swear upon the Holy Evangelists to offer no hostility to those of Maryland; and (3) that Captain Mathews, Captain Peirce, and Mr. Minifie should likewise go to England. The Council would not consent to these conditions and Harvey was forced to yield the point. A proclamation was then published in the name of the Council, stating that Harvey would go to England and commanding all persons to disperse to their several homes. The Council then set at liberty the three prisoners, and after issuing a call for an Assembly adjourned. — The Assembly met May 7, 1635, and, in conjunction with the Council, elected Captain John West of Kiskiack, a brother

of Lord Delaware, Governor, until the King's pleasure should be known. Harvey was sent to England in the custody of Francis Pott, his late prisoner, and Thomas Harwood representatives of the Assembly.

This action of the Virginians in deposing his Majesty's representative was nothing more nor less than open rebellion, and Charles declared that Harvey should be sent back, "though he stay but a day."[1] Mathews, West, Utie, Peirce, and other leaders of the insurrection were summoned to stand trial in England, while Harvey and Kemp wreaked their vengeance on Panton, the minister at Kiskiack, who had remained in the colony. His goods were confiscated and he was banished from the colony for "mutinous, rebellious and riotous actions." But in the end the popular cause triumphed. In 1639, Harvey was removed from office, and Sir Francis Wyatt, who had before served the colony as Governor with great credit, succeeded him. Kemp retained his office of Secretary through the influence of Lord Baltimore. The sentence against Panton was reversed and the leaders of the insurrection were restored to their estates, which had been confiscated by Harvey.[2]

When Harvey was sent to England in 1635, he said, speaking of the conduct of the Virginians, "it is to be feared that they intend no less than the subjection of Maryland, for whilst I was aboard the ship and ready to depart the colony, there arrived Captain William Claiborne from the Isle of Kent, with the news of an hostile encounter 'twixt some of his people and those of Maryland."[3] The new government, however, did

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[1] Sainsbury Papers, Vol. III, p. 137.

[2] Sainsbury Papers.

NOTE.—To show how imperfectly the affairs of this period of Virginia history have been understood, Burk, who denounces Claiborne in strong terms, censures Harvey for not delivering him up to the Maryland authorities, when, as a matter of fact, Harvey was himself under arrest for the very reason that he had taken sides with Baltimore against Claiborne. See Burk, *History of Virginia*, II, p. 40.

[3] Maryland Archives, Council Proceedings, I, 38.

not undertake the reduction of Maryland, but recognized and attempted to uphold Claiborne's claims in a peaceable way. West, the acting Governor, writing to the Commissioners of Plantations in March, 1636, says: "Without infringing his Majesty's grant to the Lord Baltimore, we have taken the nearest course for avoiding of further unnatural broils between them of Maryland, and those of the Isle of Kent. As we find those of Maryland in our limits we bind them in deep bonds, to keep the King's peace towards those of the Isle of Kent, as also Captain Claiborne the Commander of the Isle of Kent towards those of Maryland."[1]

In view of the unsettled state of affairs in Virginia and of the probability of the appointment of a new governor, Lord Baltimore made an attempt, early in the year 1637, to have himself appointed Governor of Virginia. He did not make the proposition openly but approached his Majesty through the mediation and influence of his friend Secretary Windebank. He offered to undertake to increase his Majesty's revenue from Virginia £8000 yearly, and to do this without imposing any additional taxes or duties.[2] Whether or not he thought that his appointment would have such a pacifying effect upon the Virginians, and so promote the general prosperity of the colony, as to increase the King's revenue to the extent of £8000, is not recorded. It is possible that he may have regarded this as the only solution of the Claiborne difficulty. However this may be, he did not receive the appointment, and we do not know that his Majesty ever considered the proposition.

Meanwhile, there seems to have been no serious trouble between the Kent Islanders and the inhabitants of St. Mary's until December, 1637, when the island was surrendered to the Maryland authorities through the treachery of George

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[1] Maryland Archives, Council Proceedings, I, 40.

[2] *Ibid.*, I, 41–42.

Evelin.[1] Evelin was sent over by Clobery and Company in the fall of 1636, to look after their interests on Kent Island. Since the settlement of Maryland they had almost entirely neglected Claiborne,[2] fearing to risk any more capital in the venture, while their title to the island was in dispute. Claiborne carried on the trade as best he could by means of his own servants and resources. The disturbances which had arisen between him and the settlement at St. Mary's had greatly interfered with the trade and curtailed the profits therefrom. Clobery and Company seem to have become dissatisfied with the condition of things and sent over Evelin to look after their interests. He arrived at Kent Island in December, 1636. At first Evelin either was or pretended to be an ardent supporter of Claiborne's claims to the island, and asserted boldly in the presence of the inhabitants that the King's commission to Claiborne and his subsequent letter in confirmation thereof were firm and strong against the Maryland patent.[3] He even went so far as to use abusive language in reference to the Calvert family, saying that Leonard Calvert's grandfather had been but a grazier, while he himself was a dunce and blockhead at school. By such means he won the confidence of the people and probably of Claiborne himself. In February, 1637, a supply of servants and goods arrived from Clobery and Company, consigned to Evelin instead of to Claiborne, and with them a power of attorney for Evelin, and instructions to Claiborne requiring him to assign to Evelin the control of the servants, goods, and all property belonging to the joint stock, and to come to England in order to explain his proceedings and adjust his accounts. He was also directed to take an accurate inventory of their property and to require

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[1] The materials for this account of the surrender of Kent Island are drawn from certain depositions taken in Virginia, in May, 1640, in the case of Claiborne vs. Clobery *et al.*, obtained from the English State Paper Office, and published in the Maryland Archives, Council Proceedings, II, pp. 181–239.

[2] Maryland Archives, Council Proceedings, II, 193.

[3] *Ibid.*, II, 215.

of Evelin a bond for its safe keeping. Accordingly in May, 1637, a few days before his departure for England, he offered, in the presence of the freemen and servants of the island, to surrender entire possession to Evelin, if he would give bond to the amount of £3000 not to alienate the island to the Marylanders, and not to carry away any of the servants. This Evelin refused to do, saying that he wanted no assignment from Claiborne and would take possession whether he would or not.[1] After a second attempt to get a bond from Evelin, Claiborne under protest left him in possession of the settlement and sailed for England.

Now that Evelin was in full possession of the island he developed his plans very rapidly. Whatever his original intention, he now determined to unite his fortunes with the settlement at St. Mary's, and to effect the reduction of the island to the authority of Lord Baltimore. To this end he opened negotiations with Leonard Calvert, and instead of attending to the business of Clobery and Company occupied his time with visits to St. Mary's. But the subjection of the island was a far more difficult task than he had anticipated. He tried in vain to persuade the inhabitants to renounce their allegiance to Claiborne and to submit to the jurisdiction of Lord Baltimore. They could not be moved. Finally despairing of accomplishing his end by peaceful measures, he endeavored to persuade Leonard Calvert to reduce the island by force. Calvert was for some time reluctant to resort to force, but the importunity of Evelin at last prevailed over his scruples, and in December, 1637, he led an armed expedition of about 40 men by night against the island, captured the fort, and succeeded in reducing the inhabitants to submission. Evelin was appointed Commander of Kent Island by a Commission dated December 30, 1637. Thomas Smith and John Boteler, two of the principal men on the island, were arrested and taken prisoners to St. Mary's.

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[1] Maryland Archives, Council Proceedings, II, 215–216.

Warrants were soon issued for the arrest of a large number of persons on the island, either on pretence of answering a suit of Clobery and Company for debt, or on charges of sedition, piracy, and murder. These proceedings provoked an outbreak, and in February, 1638, while the Assembly was in session at St. Mary's, Calvert found it necessary to lead a second expedition against the island. After some days he succeeded in again reducing it to his authority. In return for his services Evelin was made "Lord of the Manor of Evelinton" near St. Mary's. Now that his object was accomplished he paid no further attention to Kent Island, but retired to his manor, taking with him a number of servants and other property belonging to Clobery and Claiborne, and even digging up the fruit trees in Claiborne's garden and transporting them to Maryland.[1] Clobery and Company had reason to regret the confidence they had reposed in Evelin. The reduction of the island was in no way authorized by them and they continued to unite their petitions with Claiborne against Lord Baltimore.

Upon the return of Governor Calvert from Kent Island, the Assembly proceeded to try Thomas Smith, who had commanded Claiborne's vessel in one of the encounters on the Pocomoke, on an indictment for murder and piracy. As there were no legally organized courts, the Proprietary having vetoed all previous acts of the Assembly, Smith was tried before the bar of the House, Secretary Lewger acting as prosecuting attorney. He was found guilty with only one dissenting voice and sentenced to be hanged. It has been stated that this sentence was never executed, as there is no official record of it. But in the depositions in the case of Claiborne vs. Clobery *et al.*, before alluded to, it is distinctly stated that he was hanged,[2] together with Edward Beckler, another adherent of Claiborne's.

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[1] Maryland Archives, Council Proceedings, II, 196 and 211.
[2] *Ibid.*, II, 187.

The same Assembly, March, 1638, passed a bill of attainder against William Claiborne, declaring him guilty of piracy and murder and "that he forfeit to the Lord Proprietary all his lands and tenements which he was seized of on the 23rd day of April, 1635."[1] In pursuance of this act the property of Claiborne on Kent and Palmer's Islands was attached and appropriated to the use of the Lord Proprietary.[2] In view of the fact that the acts of this Assembly were vetoed by Lord Baltimore it would be interesting to know by what legal right Claiborne's property was confiscated.

A few days after the passage of this bill of attainder against Claiborne, the Lords Commissioners of Plantations, to whom the various petitions of Claiborne and Lord Baltimore had been referred, delivered their opinion, April 4, 1638, declaring the right and title to the Isle of Kent and other places in question to be absolutely belonging to Lord Baltimore.[3]

A few months before this decision the King had ordered the Commissioners not to allow any patents, commissions, or letters, in any way prejudicial to Lord Baltimore, to pass the seal.[4] The decision was given without reference to the claims of Virginia, or to Claiborne's plea that he was a member of that colony. Lord Baltimore had a charter from the King, and Claiborne had only a trading license under the seal of Scotland. Chalmers says: "The principle of this decision strikes deep into the validity of the patents of Nova Scotia, passed under the great seal of Scotland in 1621–25; because the privy Council allowed no force to a license under the privy signet of that kingdom when pleaded against a grant under the great seal of England. Yet, it is to be lamented, that similar adjudications have not been at all times perfectly uniform, and with a spirit of inconsistence which equity

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[1] Maryland Archives, Proceedings of the Assembly, I, p. 23.
[2] Maryland Archives, Council Proceedings, I, 76.
[3] *Ibid.*, I, 71.
[4] *Ibid.*, I, 55.

reprobates, different men have received different measures of justice."[1]

In a similar dispute, some fifty years later, between Lord Baltimore and William Penn the Commissioners of Plantations went back on the principle of this decision of 1638. In the decision of 1685, by which half of the Delaware Peninsula was adjudged to Penn, they declared "that the land intended to be granted by the Lord Baltimore's Patent was only land *uncultivated and inhabited by savages*, and that this tract of land now in dispute was inhabited and planted by *Christians* at and before the date of the Lord Baltimore's Patent."[2]

Clobery and Company made one more effort. On the 28th of June, 1638, more than two months after the decision, they addressed the following complaint to Secretary Coke: "The many wrongs and oppressions which we suffer from Lord Baltimore's people in Maryland, who have lately with armed men coming in the night surprised our plantation, removed our servants, and wholly ruinated what we had there, enforceth us to renew our complaint to his Sacred Majesty."[3] On the 14th of July, the King wrote to Lord Baltimore, stating that he had referred to the Commissioners the examination of the truth of these complaints and requiring him to "perform what our former general letter did enjoin and that the above named planters and their agents, may enjoy in the meantime their possessions, and be safe in their persons and goods there, without disturbance or further trouble by you or any of yours till that cause be decided."[4] On the 21st of July, David Morehead delivered this letter to Lord Baltimore in the presence of George Fletcher, Thomas Bullon, Captain William Claiborne, and William Bennett, and demanded an answer, so that instructions might be sent to his deputies by the ships about to sail, according to the tenor of his Majesty's

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[1] *Annals*, 212.
[2] Maryland Archives, Council Proceedings, II, 455.
[3] *Ibid.*, I, 77.
[4] *Ibid.*, I, 78.

letter. Baltimore refused to give an answer, saying that he would wait upon his Majesty and give him satisfaction therein.[1]

After the decision of 1638, Claiborne, having given up all hope of obtaining a redress of grievances in England, returned to Virginia, and endeavored to recover his personal property from the Maryland government. To this end, as it would have been rather unsafe for him to venture into Maryland himself, in view of the act of attainder passed against him two years before, he gave a power of attorney to George Scovell, August 21, 1640. To Scovell's petition the Governor and Council replied, that whatever estate Captain Claiborne left in that province at his departure in March, 1637, was possessed by right of forfeiture to the Lord Proprietary for certain crimes of piracy and murder. If the petitioner could find out any of the said estate not held by that right he would do well to inform his Lordship's attorney of it that it might be recovered to his Lordship's use.[2]

Claiborne seems to have given up all idea of recovering his possessions in Maryland, and to have settled down quietly in Virginia. In 1642, Charles I appointed him Treasurer of Virginia for life.[3] This was an attempt no doubt to conciliate him for the losses he had suffered in Maryland.

In the year 1644, while the civil war was raging in England, Claiborne, who had all along been closely identified with Samuel Mathews and the democratic element in the colony, determined to cast in his lot with the Parliamentary party, and renewed his claims to Kent Island, in the hope that they would be recognized now that the Protestant party was in power. Accordingly during the temporary absence of Governor Berkeley in England, he regained possession of Kent Island, the inhabitants of which were glad to welcome him back. Very little is known of his proceedings at this time,

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[1] Maryland Archives, Council Proceedings, II, 174.
[2] *Ibid.*, I, 92–93.
[3] Hazard, *Collection of State Papers*, I, 493.

but the fact of his having acquired control of the island is established beyond doubt.[1]

About the same time Richard Ingle, also a Parliamentarian, took St. Mary's, the seat of government, and forced Governor Calvert to flee for safety into Virginia. There is no evidence of any agreement between Ingle and Claiborne, although it is possible that there was a tacit understanding. They kept control of Maryland for about two years. Towards the close of the year 1646, Calvert collected his scattered forces and with the assistance of Governor Berkeley, who had now returned from England, succeeded in recovering the lost province. Baltimore had the year before given up all hope of retaining Maryland and had directed his brother Leonard to gather together whatever personal property he could and make his escape. But Leonard thought differently, and subsequently Lord Baltimore himself turned Parliamentarian and thus saved his possessions.

II.

The Rise of the Puritans in Virginia and their Expulsion under Governor Berkeley.

The first portion of this paper has been occupied with events of a political nature. It is now necessary to consider the policy of the two colonies in regard to religious matters, especially their treatment of the Puritans and the causes which led to the expulsion of a large number of them from Virginia and their settlement in Maryland.

The religious element did not enter into the settlement of the southern colonies in as marked a degree as it did into the settlement of New England. Religion, however, was to the men of the seventeenth century very much a matter of course. The whole English nation, Cavalier and Puritan alike, clothed their thoughts in the language of Scripture in a way which to

[1] Maryland Archives, Provincial Court Proceedings, I, 281, 435, 458–459.

us at the present day seems the veriest cant. Hence in the earliest charters of Virginia, although the enterprise was at first purely commercial, we find the strongest expression of religious sentiments and purposes, and a clergyman of the Established Church accompanied the first colony to Jamestown. The Anglican Church thus became established in Virginia and throughout the colonial era that colony was the stronghold of episcopacy in this country. But it was episcopacy of a modified type. The American branch of the English Church occupied quite an anomalous position. It presented the paradox of an episcopal church without an episcopate. No Anglican bishop ever set foot upon the shores of America prior to the Revolution, and the Bishop of London, whose jurisdiction over Virginia was recognized in a measure from the first by virtue of the residence of the London Company within his diocese, was not even represented by a commissary until 1689. In that year the Rev. James Blair was sent out with formal authority to act as commissary, and from that time forward some of the less important functions of the office of bishop were exercised by a representative. It is hardly necessary to add that throughout the colonial period the rites of ordination and confirmation were not performed in the colonies.[1] The vestries claimed the right of presentation and the Governor the right of induction, but as a matter of fact induction rarely ever took place. It became customary for the vestries to hire their ministers from year to year without presenting them to the Governor.[2] Thus church government in Virginia, while theoretically episcopal, was practically congregational.

To the uncertainty of tenure was added another circumstance, which was more or less of an obstacle in the way of ministers coming to the colony. This was the fact that salaries

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[1] Hawks, *Ecclesiastical Contributions*, I, 73.

[2] Campbell, *History of Virginia*, 278, also Bishop Perry's *Collection of Papers*, 261, ff.

were paid in tobacco, the amount in pounds being fixed by statute. The bad quality of the tobacco in certain parishes left them almost entirely without the ministrations of the Established Church.[1] This condition of affairs, added to the practical independence of the vestries, favored the growth of dissenters, and it is a striking fact that the Puritans and afterwards the Quakers congregated in those parishes where the bad quality of the tobacco did not favor the growth of the Established Church.

The governors showed their loyalty to the establishment by requiring the Assemblies to pass, at the beginning of each session, a body of statutes enjoining strict conformity to the rights and ordinances of the Church of England. These acts, which became especially strict from Harvey's time on, were largely formal. They were a re-echo of those passed in England under the influence of Archbishop Laud, and were intended, no doubt, to catch the eye of that zealous and all-powerful prelate, but there was no Laud in this country to secure their enforcement, so they were largely deprived of their severity.

As regards the matter of religious toleration a comparison with the mother country and the New England colonies is decidedly favorable to Virginia. There is no record of the infliction of the death penalty in Virginia for reasons of a spiritual nature.

Such being the organization of the established church in Virginia, it is not strange that Puritans found a refuge there from the persecution that was directed against them in England.

About three years after the congregation of dissenters, who were to become famous as the Pilgrim Fathers, left England to seek in Holland a refuge from religious persecution, another little band of Puritans passed silently and unobserved to the new world. They were not separatists like those who went to

[1] Hugh Jones, *Present State of Virginia*, 106; Col. Byrd's Diary, 42.

Holland, but they escaped from their native land to avoid the same persecution. They reached Virginia on the 10th of May, 1611, in company with other colonists sent out by the London Company under the command of Sir Thomas Dale, who had just been appointed High Marshall of Virginia. Dale succeeded Lord Delaware, who had been compelled by ill health to leave the colony two months before. He was not commissioned as Governor, but was to act as such until the arrival of Sir Thomas Gates. Prior to coming to Virginia, Dale had served in the Netherlands as captain of an English company in the service of the States General. He was granted a leave of absence for three years in order to come to Virginia.[1] He was thus an experienced soldier and it was no doubt for this reason that he was appointed High Marshall.

As soon as Gates arrived Dale left Jamestown, accompanied by about 350 men, some of whom were Puritans and others Dutch laborers, and proceeded up the James to form a new settlement, named by him Henricopolis (contracted into Henrico) in honor of Henry, Prince of Wales. This was the second settlement made in Virginia. He selected for the site of his town a peninsula about 12 miles below the present city of Richmond. The river at this point makes a remarkable bend, and after flowing in a circuit of seven miles, returns to a point within 120 yards of the place of deviation. A place admirably adapted for defense against the Indians, Dale's city had three streets of well-framed houses, a handsome church, and the foundations of another to be built of brick, besides store-houses and watch-houses. On the opposite side of the river was a tract of land secured by forts and a palisade about two miles and a half in length. This tract was known as Hope-in-Faith, and the forts which defended it were called Fort Charity, Fort Elizabeth, Fort Patience, and Mount Malady, the last being used also as a hospital.[2] These names

[1] Brown, *Genesis of the U. S.*, 446.

[2] Stith, 124. Hamor's Narrative in Smith's *General History.*

in themselves are suggestive of the Puritan origin of the settlers.

Dale was accompanied by Rev. Alexander Whitaker, gratefully remembered as the apostle of Virginia. He was a son of the distinguished Puritan divine, Dr. William Whitaker, Master of St. John's College and Regius Professor of Divinity in the University of Cambridge.[1] Dr. Whitaker distinguished himself by controversial writings against the Church of Rome and took a leading part in framing the Lambeth Articles, which were strongly Calvinistic.[2] At the time that Whitaker the younger decided to go to Virginia, he was a graduate of Cambridge of five or six years standing, and in possession of a comfortable living in the north of England. "Without any persuasion, but God's and his own heart, he did voluntarily leave his warm nest; and, to the wonder of his kindred and amazement of them that knew him, undertook this hard but heroical resolution to go to Virginia, and to help to bear the name of God unto the Gentiles."[3]

In 1613 Whitaker went back to Jamestown with Dale, who was again placed in command of the colony by the return of Gates to England. One of his letters, dated Jamestown, June, 1614, to a cousin in London, is very remarkable and throws considerable light on the condition of the church in the colony. He says: "But I much more muse that so few of our English ministers, that were so hot against the surplis and subscription, come hither, where neither is spoken of."[4] Whitaker was drowned in the James River in the Spring of 1617, under circumstances which have not come down to us.

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[1] Purchas, IV, 1770. [2] Anderson, *History of the Colonial Church*, I, 135.
[3] Crashaw, Introduction to Whitaker's *Good Newes from Virginia*.
[4] Purchas, IV, 1771.

In 1613 Pocahontas married John Rolfe, and Whitaker was called upon to instruct her in the principles of the Christian religion, and to officiate at her baptism and marriage. In the celebrated painting of the baptism in the rotunda of the Capitol at Washington, he is represented as clothed in the surplice which he himself tells us was not in use in Virginia.

The years 1619–20–21, brought large accessions to the population of the colony, due to the liberal policy of the Company under the intelligent management of Sir Edwin Sandys and the Earl of Southampton. In 1619 the English separatists, who were then in Holland, obtained from the London Company, through the influence of Sandys, a patent authorizing them to settle in Virginia. They embarked in the Mayflower in 1620 and directed their course toward the mouth of the Hudson, then a part of Virginia. A storm, however, drove them out of their course and carried them to the north beyond the limits of the London Company's territory. The incident is interesting as illustrating the policy of the Company at this time. When a few years later the King was preparing to dissolve the Company and evidence was being collected against prominent members, it was charged against Sandys that he had intended to establish a free popular state of Brownists and separatists in Virginia with himself and his friends at its head.[1] Sandys, of course, never entertained any such idea as this, but he did undoubtedly encourage the emigration of Puritans to Virginia.

About this time two Puritan settlements were begun in the colony, which were destined to have a considerable influence upon the future history of both Virginia and Maryland.

The first, in Warrosquoyacke Shire, now Isle of Wight County, was commenced in 1619 by Captain Christopher Lawne on a creek which still bears his name. Lawne was a member of the first Assembly which met at Jamestown, June, 1619. He died the next year and his patent was renewed to his associates. The name of the plantation was changed to Isle of Wight, from which the county afterwards took its name.[2]

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[1] Appendix to 8th Report of Royal Commission on Historical MSS., Parts II and III, p. 45.

[2] Records of the London Company.

In 1621 Edward Bennett, a wealthy merchant of London, settled a colony of Puritans on Lawne's Creek. Bennett's name occurs as Deputy-Governor of the Merchant Adventurers resident at Delft,[1] where so many English Puritans flocked that it became almost a second London. At a general court, held November 1621, the London Company confirmed a patent to Edward Bennett for having planted 200 persons in Virginia.[2] At this time 50 acres of land where allowed for every person transported to the colony. Bennett himself did not come to Virginia, but placed the plantation in charge of his nephews, Robert and Richard Bennett, the latter of whom was subsequently governor of Virginia. William Bennett, another relative, was the first preacher in charge of the settlement.

This plantation received a severe blow from the Indian massacre of March, 1622. More than 50 were killed. During the next year 26 of those who survived the massacre died, leaving according to a census taken in February, 1624, 29 whites and 4 negroes.[3] The settlement prospered, however, in spite of these heavy losses.

In January 1622, Captain Nathaniel Basse settled at Basse's Choice, in Warrosquoyacke, not far from the Bennett plantation. He received patents for transporting 100 persons.[4] Basse had been associated with Lawne in 1619. In March 1632 he was commissioned by Governor Harvey to invite such of the inhabitants of New England as were dissatisfied with the climate to come further South and settle on Delaware Bay.[5] None availed themselves of the invitation. The Puritans who settled in Virginia came direct from England, and although a number of them afterward went to New England, there is no evidence of any coming from New England to Virginia, except indeed the three preachers in 1642, whose

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[1] Neill, *English Colonization of America.*
[2] Records of the London Company.
[3] Hotten, *Lists of Emigrants.*
[4] Records of the London Company.
[5] Randolph MSS., Vol. III, 219.

stay was short. These Puritan settlements in Warrosquoyacke seem to have steadily increased in numbers and in 1629 they sent 4 burgesses to the assembly, among them Richard Bennett and Nathaniel Basse.[1]

In November 1621, Daniel Gookin arrived out of Ireland with 50 men of his own and 30 passengers, "exceedingly well furnished with all sorts of provision and cattle," and planted himself at Newport News. He is mentioned as having undertaken to transport "great multitudes of people and cattle" to Virginia, and received patents for 300 people.[2] After the massacre of 1622 the colonists were ordered to abandon the outlying plantations and to concentrate their forces about the stronger ones. Gookin's settlement at Newport News was one of those ordered to be abandoned, but he refused to obey the order and gathering together his dependants, who amounted in all to only 35, remained at his post, "to his great credit and the content of his adventurers."[3]

In 1637 Gookin received a grant of 2,500 acres in Upper Norfolk, now Nansemond County, and in 1642 he was appointed commander of the county. He and his son, who accompanied him, were both natives of Kent County, England, though they had traded in Ireland. They were Puritans and closely associated with the Bennett settlement in the adjoining county.

The Puritans seem to have encountered not the slightest opposition on account of their religious views until the arrival of Governor Berkeley in 1642. The administration of Sir William Berkeley, one of the best known and most distinguished characters of the colonial period, marks a new epoch in Virginia history. For more than thirty years he was the most conspicuous figure in the affairs of the colony, and that too during a period marked by events of a most striking and unusual character. He was a perfect type of the Cavalier,

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[1] Hening, I, 139.
[2] Stith, 235.
[3] Records of the London Company.

narrow-minded, hot-headed, out-spoken, and withal very zealous in his support of the Established Church. He once expressed the wish that the ministers in the colony would pray oftener and preach less, and added: "But I thank God there are no free schools, nor printing, and I hope we shall not have them these hundred years." The political principles and religious tenets of the Puritans were equally offensive to him, and he soon found occasion for displaying his hostility towards them. This was afforded by the presence in Virginia of three congregational preachers from New England.

We have before alluded to the fact that the bad quality of the tobacco in certain parts of the colony did not favor the growth of the Established Church. This was especially the case in Nansemond County, where the Puritans were congregated. Rev. Hugh Jones, writing in 1724, says: "Some parishes are long vacant upon account of the badness of the tobacco, which gives room for dissenters, especially Quakers, as in Nansemond County."[1] Colonel Byrd in his Diary, written in 1728, confirms this statement. "We passed by no less than two Quaker meeting houses, one of which had an awkward ornament on the west end of it, that seemed to ape a steeple. I must own I expected no such piece of foppery, from a sect of so much outside simplicity. That persuasion prevails much in the lower end of Nansemond County, for want of ministers to pilot the people a decenter way to Heaven. The ill reputation of the tobacco in those lower parishes makes the clergy unwilling to accept of them, unless it be such whose abilities are as mean as their pay. Thus, whether the churches be quite void or but indifferently filled, the Quakers will have an opportunity of gaining proselytes. 'Tis a wonder no Popish missionaries are sent from Maryland to labor in this neglected vineyard, who we know have zeal enough to traverse sea and land on the meritorious errand of making converts. Nor is

[1] Present State of Virginia, 106.

it less strange that some wolf in sheep's clothing arrives not from New England to lead astray a flock that has no shepherd."[1] This last sentence is rather strange, for Colonel Byrd probably knew nothing of the missionary efforts of the New England preachers nearly a century before. These passages were, of course, written at a much later period than the one under consideration, when the Quakers were quite numerous in that section of the colony, but they are of great interest as showing that the Church of England had never been well established there.

Whatever the cause it is quite certain that at the time of Governor Berkeley's arrival in Virginia the parishes of Upper Norfolk, or Nansemond as it was afterwards called, were vacant, and the inhabitants being more religiously inclined than most of the Virginians of that day, decided to appeal to their brethren in New England for aid. During the summer of 1642 Philip Bennett was dispatched with letters to the elders at Boston. He arrived there safely in a small pinnace, while the General Court was in session. The letters were read publicly in Boston on a "Lecture Day." They were signed by Richard Bennett, afterwards Governor, Daniel Gookin, John Hill, and others, 71 in all, and dated 24th of May, "from Upper Norfolk in Virginia." They bewailed their "sad condition for the want of the means of salvation," and earnestly entreated a "supply of faithful ministers, whom upon experience of their gifts and godliness they might call to office." After a day spent in special prayer the elders decided to respond to the appeal and selected three ministers. Those who consented to go were John Knowles of Watertown, William Thompson of Braintree, and Thomas James of New Haven. The General Court was made acquainted with the decision of the elders, which it approved, and on the 8th of

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[1] Colonel William Byrd, *History of the Dividing Line between Virginia and North Carolina*, p. 42.

September, the Governor was ordered to commend the ministers to the Governor and Council of Virginia.[1]

The voyage proved a difficult one. They were wrecked off Hellgate and the Dutch Governor gave them "slender entertainment," but Isaac Allerton of New Haven, who happened to be there, provided them with a new pinnace and they were enabled to continue their voyage. After encountering "much foul weather" they reached Virginia eleven weeks after leaving Narragansett. Winthrop says that the dangers and difficulties which continually beset them made them seriously doubt whether they were called of God or not, but they were kindly received in Virginia, not by the Governor, "but by some well-disposed people who desired their company."

The letters commending them to Governor Berkeley might as well have been left behind, for at the first meeting of the Assembly, March 1643, the following act was directed against them. "For the preservation of the purity of doctrine and unity of the Church, it is enacted that all ministers whatsoever, which shall reside in the colony, are to be conformed to the orders and constitution of the Church of England, and not otherwise to be admitted to teach or preach publicly or privately, and that the Governor and Council do take care that all non-conformists, upon notice of them, shall be compelled to depart the colony with all convenience."[2]

Governor Berkeley issued a proclamation in accordance with this act which effectually silenced the Massachusetts preachers and compelled them to leave the colony. James and Knowles were the first to go. Knowles reached Boston the latter part of April. He reported that their efforts had been attended with great success, and that "though the State did silence the ministers, because they would not conform to the order of England, yet the people resorted to them in private houses to hear them as before." Thompson was the last to leave.

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[1] Winthrop's *Journal*, Mather's *Magnalia*, and Johnson's *Wonder-working Providence*.

[2] Hening, I, 277.

Cotton Mather chronicles the success in Virginia in a quaint poem, one stanza of which is as follows:

> "A constellation of great converts there
> Shone round him, and his heavenly glory were;
> Gookin was one of them; by Thompson's pains,
> Christ and New England a dear Gookin gains."

The reference is to Daniel Gookin, Jr., whose father was the head of the Puritan settlement in Nansemond. Young Gookin, thus converted under Thompson's preaching, left Virginia the following year, and went to New England, where he soon became a man of prominence.[1]

On the 17th of April, 1644, about a year after the expulsion of the New England ministers, occurred the second great massacre in the history of Virginia. The Indians, taking advantage of the disorder occasioned by the civil war in England, determined upon a general and concerted massacre of the whites. It is intimated by some historians that they were incited to this act by certain parties who were dissatisfied with Berkeley's rule, presumably the Puritans, but there is no foundation for such a suggestion. The Governor had set apart Good Friday, April 18, as a special day of prayer for the success of the King's party. Just on the eve of this fast-day the Indians made their attack, which was entirely unexpected, and about 300 colonists were killed. Winthrop remarks that it is very observable that this calamity befell the Virginians shortly after they had driven out the godly ministers from New England.

Lord Baltimore, in view of these troubles and of the attitude of the Virginia government towards dissenters, made known through Captain Edward Gibbons, a Boston merchant

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[1] Gookin resided at Cambridge and represented that town in the General Court. In 1651 he was Speaker of the House of Deputies, and for more than 30 years he was Superintendent of Indian Affairs, with the title of Major-General. He died March 19, 1687, aged 75. He was the author of a history of the Indians.

who traded with the southern colonies, that any nonconformists would be welcomed in Maryland and guaranteed religious freedom. It is not probable that any availed themselves of the invitation at this time.

One of the most remarkable results of the massacre, if we may give full credence to the accounts that have come down to us, was the spiritual change which it wrought in Rev. Thomas Harrison, Governor Berkeley's chaplain. "After this visitation of Providence he became quite another man." He expressed his regret "with sorrow and concern" that, while he had openly encouraged the New England preachers, he had secretly used his influence with the Governor against them. But the Governor became "the more hardened and dismissed his chaplain, who was now grown too serious for him."[1] Upon this Harrison crossed over the James and took the place of the preachers he had helped to expel in ministering to the spiritual wants of the Nansemond Puritans. The Governor issued special orders against his refractory chaplain, and as a last resort swore at him, but all in vain. Harrison could not be turned aside from his purpose and he continued to preach to the people.

Just at this time Berkeley was called to England, where the civil war was at its height. When he returned to Virginia after a year's absence he found that colony on the verge of a revolution. Mathews and Claiborne had declared for Parliament. Claiborne and Ingle were in possession of Maryland, and Governor Calvert was a fugitive in Virginia. After assisting Calvert to regain his lost province, Berkeley once more turned his attention to Harrison and the Puritan settlement south of the James.

On the 3d of November, 1647, another act was passed against nonconformists. "Upon diverse information presented to this Assembly against several ministers for their neglects

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[1] Calamy, *Nonconformists' Memorial*, III, 174.

and refractory refusing after warning given them to read Common Prayer or Divine Service upon Sabbath days . . . it is enacted that all ministers in their several cures throughout the colony do duly upon every Sabbath day read such prayers as are appointed and prescribed unto them by the said Book of Common Prayer."[1]

The Puritans had felt for some time that their position was insecure and had seriously considered the question of leaving Virginia. Several letters on this subject had passed between Harrison and Governor Winthrop of Massachusetts. Under date of November 2, 1646, from Elizabeth River, Harrison writes: "Had your propositions found us risen up, and in a posture of removing, there is weight, and worth, and force enough in them to have staked us down again." In a second letter dated Nansemond, November 14, 1647, a few days after the passage of the act above cited, he says: "74 have joined here in fellowship, 19 stand propounded, and many more of great hopes and expectations."[2] Evidently the act of the Assembly had not disconcerted them.

The next year, however, the Governor made another attempt to uproot this nest of dissenters. William Durand, an elder in the Nansemond church, and Richard Bennett were banished. They took refuge in Maryland. Harrison was also ordered to depart the colony by the third ship at furthest. He went to Boston to take advice of the elders there as to the best course for the Virginia Puritans to pursue. He reached there on the 20th of August, 1648, and reported that the Nansemond church had grown to 118 members and that by conjecture fully 1000 others were of like mind. He also stated that many of the Virginia Council were favorably disposed toward Puritanism.[3]

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[1] Hening, I, 341.
[2] Massachusetts Historical Collections, Ser. IV, Vol. VII, 434.
[3] Savage's *Winthrop*, II, 407.

Meanwhile the Virginia Puritans had been invited by Captain William Sayle, afterward Governor of South Carolina, to join him in a Puritan settlement which he had begun in the Bahamas. But they "being very orthodox and zealous for the truth," as Winthrop informs us, would not decide the matter without advice from New England. Winthrop advised them strongly against leaving Virginia, "seeing that God had carried on his work so graciously hitherto, and that there was so great hope of a far more plentiful harvest at hand."

Harrison returned to Virginia for a short time during the winter of 1649, but was soon in Boston again.[1] His congregation meanwhile petitioned the Council of State in England for his reinstatement, and on the 11th of October, 1649, an order was sent to the Governor of Virginia.

"Sir: We are informed by the petition of some of the people of the congregation of Nansemond in Virginia that they had long enjoyed the benefit of the ministry of Mr. Harrison, who is an able man and of unblamable conversation, who hath been banished by you for no other cause but for that he would not conform himself to the use of the Common Prayer Book. We know that you cannot be ignorant that the use of the Common Prayer Book is prohibited by the Parliament of England, and therefore you are hereby required to permit the same Mr. Harrison to return to his said congregation to the exercise of his ministry, unless there be sufficient cause as shall be approved of the Parliament or this Council when the same shall be represented unto us. Of your compliance herein we expect to receive an account from yourself of the first opportunity."[2] This letter came too late to be of any service, even if the old Cavalier Governor had been disposed to pay any attention to an order of Parliament.

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[1] Massachusetts Historical Collections, Ser. IV, Vol. VII, 436.

[2] Sainsbury Papers, 1640–1691, p. 19, in the Virginia State Library. Briggs, *American Presbyterianism*, app. VI.

By the time it reached Virginia the greater part of Harrison's congregation had moved to Maryland.[1]

The government of that province had been reorganized the year before on a Protestant basis. Leonard Calvert had died in June 1647, a few months after he had succeeded, with the assistance of Governor Berkeley, in reëstablishing himself at St. Mary's. Upon his death bed he appointed Thomas Greene, a Catholic, to succeed him as Governor. Meanwhile Lord Baltimore, like a great many other Catholic noblemen, had turned Parliamentarian, in the hope that, with the overthrow of the Royalists and the Established Church, the Catholics would receive recognition and be allowed the free exercise of their religion. His position, however, was at best insecure, and in order to make sure of his province he reorganized it by the appointment of a Protestant Governor and Secretary, with a Protestant majority in the Council.[2] William Stone, formerly of Northampton County in Virginia, was appointed Governor by a commission dated August 6, 1648.

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[1] Harrison is a most interesting character. Calamy (*Nonconformists' Memorial*, I, 330) says that Harrison was born at Kingston-upon-Hull and brought up in New England. The fact of his being Governor Berkeley's chaplain would seem to render this improbable. He was probably raised in Virginia, where there were several families of the name at an early date. After leaving Virginia he went to Boston. Here he married Dorothy Symonds, a cousin of Gov. Winthrop, and in a short time went to London, where he attained great distinction as a preacher. He did not, however, forget his old congregation, for on the 28th of July, 1652, he addressed to the Council of State a petition "on behalf of some well-affected inhabitants of Virginia and Maryland." When Henry Cromwell was appointed Lord Lieutenant of Ireland, Harrison entered his service as chaplain, and upon the death of the Lord Protector he preached a funeral sermon before a large gathering in Christ Church Cathedral, Dublin. At the Restoration he returned to England, but was soon silenced by the Act of Uniformity, upon which he went back to Dublin and exercised his ministry as a dissenter, having a "flourishing congregation and many persons of quality for his constant auditors."

[2] Bozman, *History of Maryland*, 333.

About this time Richard Bennett and William Durand were banished from Virginia and took refuge in Maryland. At their solicitation Governor Stone invited the Nansemond congregation to his province, and within the next year fully 300 Puritans migrated from the lower James to Maryland and settled on the Severn near the present site of Annapolis. They called their settlement Providence.[1] The movement did not take place all at once. A few families went during the spring and summer of 1649, and the others followed in the fall. The supremacy of the Puritan party in England had produced little effect upon Governor Berkeley, who remained a staunch Royalist to the end. It is probable that the execution of Charles I. had produced somewhat of a reaction in Virginia. The inhabitants of that colony had in the main been well treated by the Stuarts, and they were not prepared for such extreme measures as their brethren at home, who had experienced all the horrors and excitement of a long civil war. In addition to this a number of Cavaliers came to the colony about this time, one ship alone, in September 1649, bringing over as many as 330. These, of course, had great influence in shaping public sentiment. Under these circumstances Berkeley, knowing that Parliament was too much occupied for the present with domestic affairs to interfere with him, continued his persecution of the Puritans, and in October, 1649, an act was passed condemning the execution of Charles and declaring that any one, who should undertake to defend the "late traiterous proceedings" against the King, should be adjudged accessory post factum to his death.[2] Upon the passage of this act those Puritans who were still wavering in their decision quickly left the colony. In Maryland they were granted a large tract of land, local government, and religious freedom.

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[1] For the further history of this settlement see, "A Puritan Colony in Maryland," by Daniel R. Randall, J. H. U. Studies, 4th Series, No. VI, 1886.

[2] Hening, I, 359.

It had been the policy of the Maryland government, or rather of the Lord Proprietary, from the first to admit Protestant settlers on equal terms with Catholics. The credit of this toleration has been claimed by Catholics and Protestants alike. Whatever credit is due to any one is due to the Lord Proprietary, Cecilius Calvert. He, however, adhered to this policy for political and economic and not for religious reasons. It may be reasonably doubted whether the exclusion of Protestants from an English colony would have been allowed under any circumstances. At any rate he did not attempt it. Although toleration had been the policy of the government from the start, it was not guaranteed by any formal document until the appointment of Stone, the first Protestant Governor, in 1648. In the oath required of him is the following clause: "I do further swear that I will not by myself nor any person directly or indirectly trouble, molest or discountenance any person whatsoever in the said Province professing to believe in Jesus Christ and *in particular no Roman Catholic* for or in respect of his or her religion."[1] This principle was also embodied in the famous *Act Concerning Religion* passed by the Assembly on the 21st day of April, 1649. It tolerated only those who believed in Jesus Christ. Those who denied the divinity of Christ or the doctrine of the Trinity were to be punished with death and the forfeiture of estates. It is probable that a majority of this Assembly were Protestants.[2] The act, however, did not originate with the Assembly, but was passed in exactly the form in which it was submitted by the Proprietary. This Assembly was held shortly before the settlement of the Puritans at Providence, and so they had nothing to do with it. They, however, very quickly rose to political prominence. At the very next Assembly, April 1650, James Cox, one of the two burgesses sent from Providence

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[1] Maryland Archives, Council Proceedings, I, 209.

[2] Bozman, *History of Maryland*, II, 354.

was elected Speaker. The Protestants were now decidedly in the majority, both in the Assembly and in the colony at large.

III.

Puritan Supremacy in Virginia and Maryland.

It was not until toward the close of the year 1650 that the Parliament of England found itself sufficiently free from the more urgent demands of domestic affairs to take any steps towards settling the government of the colonies. In October 1650, an act was passed prohibiting all trade or intercourse with Virginia or the West Indies for their "divers acts of rebellion," and the Council of State was given power to send ships to any of the plantations aforesaid and "to enforce all such to obedience, as stand in opposition to the Parliament." The term Virginia was still used in a very broad and indefinite sense as applying to any of the American colonies, and the expression *Maryland in Virginia* frequently occurs in documents of this period. The fears of Lord Baltimore were very naturally aroused at the prospect of commissioners being appointed to settle the affairs of the colonies, especially as Charles II. had been proclaimed King in Maryland, as well as in Barbadoes and Virginia, although it had been done without his knowledge or approval. He now found himself in an extremely awkward position. On the one hand he had incurred the resentment of the King, because he "did visibly adhere to the rebels in England, and admitted all kinds of sectaries and ill affected persons into his plantation." For these reasons his charter was annulled, so far as Charles had power to do so, and Sir William Davenant, the poet, was appointed Royal Governor of Maryland. On the other hand he was not quite sure of his position with Parliament, and reports were being circulated in his province to the effect that the proprietary government was about to be dissolved. These reports caused such uneasiness that the Puritans of

Providence, who had taken a very prominent part in the Assembly of 1650, refused to send delegates to the one to be held in 1651, saying that they preferred to await the action of Parliament. About the same time Governor Berkeley, who no doubt was the informant of his Majesty in regard to the conduct of Lord Baltimore in admitting "all kinds of sectaries and ill affected persons into his plantation," seems to have considered that province a fit place for encroachments, now that his Majesty had recalled the charter, and authorized Edward Scarborough of Accomac County to take possession of Palmer's Island, a very desirable trading post at the mouth of the Susquehannah, formerly held by Claiborne.

Baltimore, however, was determined not to let the control of his province pass from his hands without a struggle. It required all the influence he could bring to bear upon the Council of State to prevent the name of Maryland from being inserted in the commissions about to be issued for the reduction of the colonies to the authority of Parliament. He was, however, prepared for the issue. The protection which had been extended to the Puritans, and the act of toleration passed by the Assembly in 1649, now stood him in good stead. He went before the committee with a certified declaration from the principal Protestants in his province to the effect that they enjoyed entire freedom and liberty in the exercise of their religion. The declaration was signed by the Governor and the three Protestant members of the Council, eight burgesses, and upwards of forty inhabitants of the colony.[1] He also disowned the act of Greene in recognition of Charles II, and adduced the evidence of several Protestant merchants to show that Maryland neither was nor had been in opposition to Parliament. The amount of political sagacity and shrewdness, which he displayed in reorganizing his province on a Protestant basis and recognizing by statute the principle of religious

[1] Bozman, *History of Maryland*, II, 672, where the declaration is given in full.

toleration just as the top wave of the great Puritan revolution was carrying everything before it, is truly remarkable. He was in a measure successful; the name of Maryland was stricken out, but in the final form in which the instructions were issued a circumlocution was used which practically included it. The paragraph alluded to is as follows: "Upon your arrival at Virginia you or any two or more of you shall use your best endeavors to reduce all the plantations within the Bay of Chesopiack to their due obedience to the Parliament of the Commonwealth of England."[1] This, of course, by any reasonable construction would be taken to include Maryland.

The commissioners named to carry out these instructions were Captain Robert Denis, an officer in the Navy, who was put in command of the fleet, Thomas Stagge, Richard Bennett, and William Claiborne. In case of the death or absence of Captain Denis, Captain Edmund Curtis, commander of the frigate Guinea, was instructed to act as commissioner and take charge of the expedition. Bennett and Claiborne, who were in Virginia at the time, probably knew nothing of their appointment until the expedition arrived there.

The other commissioners embarked on board two ships, with a force of 750 men, towards the latter part of September, 1651. On the voyage out, the ship which bore Denis and Stagge with the original commission was lost. Curtis, upon whom the command now devolved, and who had a copy of the instructions, continued the voyage, touching at Barbadoes. Here he found that Sir George Ayscue, who had been sent out several months before to reduce that island, was still held in check by the inhabitants. After assisting him to force them to surrender, Captain Curtis sailed for Virginia and arrived before Jamestown early in March, 1652.

Governor Berkeley, who had learned of the approach of the frigate, had made active preparations for resistance and was no doubt sincere in his intentions. He had distributed muskets

[1] Thurloe State Papers, I, 197.

among the inhabitants of Jamestown and manned some Dutch ships that happened to be in the harbor. The maritime policy of England at this time was largely directed towards breaking up the carrying trade of the Dutch, and one of the chief objects in sending the expedition against the colonies was to suppress the illicit exportation of tobacco in Dutch ships, which, in spite of all restrictions, had greatly increased during the continuance of the civil war in England. These ships were thus very willing to render their assistance to Governor Berkeley. Before carrying out such warlike measures, however, a conference was held, the Assembly was summoned, and the Virginians quietly decided to submit to the authority of the Commonwealth of England.

The articles of surrender between the commissioners of Parliament and the Assembly of Virginia were concluded and signed, March 12, 1652. The Virginians obtained the most liberal terms from the commissioners. The most important provisions were that the act of submission should be considered voluntary and not forced by conquest, that there should be full indemnity for all past acts against Parliament, that those who refused to submit should have a year in which to remove themselves and their property from the colony, and that the use of the Book of Common Prayer should be permitted for one year.[1] The fourth article is of special interest to us: "That Virginia shall have and enjoy the ancient bounds and limits granted by the charters of the former Kings, and that we shall seek a new charter from the Parliament to that purpose against any that have intrenched upon the rights thereof." This, of course, was a blow at Maryland. The articles were signed by Richard Bennett, William Claiborne, and Edmund Curtis.

Various attempts have been made, under the impression that the Virginians at this time were all Cavaliers, to explain this seemingly unaccountable conduct of Governor Berkeley

[1] Hening, I, 363.

in surrendering the colony at the bidding of a single frigate. There is not the slightest mystery involved in the matter. The general misapprehension in regard to this surrender and the provisional government afterward established, is due to the fact that the strong Puritan element in the colony has been entirely overlooked. The more radical dissenters had, indeed, been driven out by Governor Berkeley, but there remained behind a large and influential class, who were Puritans in politics if not in religion. The Cavalier immigration, which has given such a romantic tinge to the entire colonial period, had scarcely begun at this time. Bennett was the leading spirit among the dissenters while Claiborne and Mathews, although not identified with the Puritans in religion, had all along been the leaders of the popular party, having brought about the insurrection under Governor Harvey and deposed him from office, and furthermore both had declared for Parliament in 1644. Under these circumstances it is not strange that the assembly should have forced Governor Berkeley to surrender the government into the hands of Bennett and Claiborne, and that such liberal terms were agreed upon.

After the settlement of Virginia, the commissioners proceeded to St. Mary's to require from the Maryland government the formal recognition of their authority. This was done in pursuance of the instructions given them to reduce *all the plantations within the Bay of Chesapeake* to the authority of Parliament. This clause certainly justified them in considering Maryland within the scope of their commission, whatever may have been the intention of the Council of State in England. Captains Denis and Stagge, the only two of the commissioners who had been present when the instructions were issued, were lost on the way out. Curtis, Bennett, and Claiborne had therefore received no verbal instructions, but were governed solely by the written ones. It has been stated by most of the Maryland historians that Bennett and Claiborne took advantage of the powers loosely defined in their

instructions to usurp control of the government of Maryland in order to give Claiborne an opportunity to settle his old score with Lord Baltimore. There seems no justification whatever for such an opinion. Captain Curtis, the Commander of the expedition, who had no connection with the colonies and hence no personal interests involved, interpreted the instructions as including Maryland, and it was in his ship and under his command that Bennett and Claiborne first went there. Their action was subsequently confirmed by the authorities in England.

Furthermore, Claiborne had nothing to expect in the way of support or recognition of his claims to Kent Island from the Puritans of Providence. He had never been identified with the Puritan dissenters. This is shown by the fact that the Assembly of 1650, which was largely Puritan, and of which James Cox, one of the burgesses from Providence was Speaker, passed an act prohibiting all compliance with Claiborne under penalty of death and confiscation of property.[1] The year before Claiborne had had some correspondence with Governor Stone in regard to Kent Island.

When they reached St. Mary's the commissioners simply required a formal submission on the part of the Governor and Council "so as that they might remain in their places conforming themselves to the laws of the Commonwealth of England in point of government only and not infringing the Lord Baltimore's just rights." In conformity with the laws of England the commissioners demanded that they should subscribe to the *engagement* "to be true and faithful to the Commonwealth of England as it is now established without King or House of Lords," and that all writs and warrants should be issued in the name of the Keepers of the Liberty of England. To the first of these demands the Governor and Council responded that they were perfectly willing to agree, but in regard to the second, as writs and warrants had always

[1] Maryland Archives, Assembly Proceedings, I, 287.

been issued in the name of the Lord Proprietary and not in the King's name, they would not consent to the change. As Governor Stone persisted in his refusal to submit to these demands, and the commissioners had no power to deviate from their instructions in this particular, Stone was deprived of his commission, and by a proclamation, issued on the 29th of March, the government of the province was vested in a Council, consisting of Robert Brooke, Esq., Colonel Francis Yardley, Mr. Job Chandler, Captain Edward Windham, Mr. Richard Preston, and Lieutenant Richard Banks.[1] The commissioners then returned to Virginia to meet the Assembly which they had summoned before going to Maryland.

The Assembly met on the 30th of April, 1652. Bennett was elected Governor and Claiborne was restored to his old place as Secretary of State. Under the provisional government the Governor and other officers were elected by the Assembly.[2] Bennett was succeeded as Governor in 1655 by Edward Diggs. Diggs in turn was succeeded in 1656 by Samuel Mathews, who continued in office until his death in 1660. Claiborne continued as Secretary throughout the whole Commonwealth regime.

As soon as the affairs of the two colonies were thus satisfactorily settled, Captain Edmond Curtis returned to England with the frigate. Thus the two remaining commissioners, Bennett and Claiborne, were left in undisputed control of both colonies. Bennett was Governor of the colony from which he had so recently been expelled as a dissenter, and Claiborne, by a strange turn of fortune, found himself in virtual control of the province of his old rival, from which he had been banished years before as a traitor and convict. Both appear to have acted with singular moderation. Bennett, who more than any one else had reason for feelings of personal enmity to Berkeley, seems not to have displayed the least resentment. Berkeley was allowed to retire to his private plantation, where

[1] Maryland Archives, Council Proceedings, I, 275. [2] Hening, I, 371.

he remained not only during the prescribed year but all through the period of the provisional government, and this in spite of the fact that he did not take the oath of allegiance to the Commonwealth. Claiborne, on the other hand, in spite of the fact that all the civil disturbances between Catholics and Protestants which followed in Maryland have been fathered upon him, appears to have had very little to do with the affairs of that province. From a careful examination of the records, it appears that he was in Maryland only twice after the reduction of that province, and upon both of those occasions in company with Bennett in the legitimate discharge of his duties as commissioner. He seems to have devoted himself to the duties of his office as secretary and to the affairs of his plantation on the Pamunkey. There is nothing whatever to show that he interfered with the affairs of Kent Island at this period. The only mention of his name in that connection occurs in a treaty negotiated with the Indians, July 5, 1652, which speaks of "the Isle of Kent and Palmer's Island which belong to Captain Claiborne." This paper was signed by Richard Bennett and four others appointed by the Governor and Council of Maryland to negotiate the treaty, and it may be that Bennett had this clause inserted as a mere assertion of Claiborne's claim. There is positive evidence, on the other hand, that the government of the island continued subordinate to the Maryland authorities.[1]

Towards the latter part of June, about two months after the departure of Captain Curtis, Bennett and Claiborne returned to Maryland. If they had usurped control of that province with sinister intentions through a misconstruction of powers, as has been so often stated, we would naturally expect to find them exercising their power in an arbitrary way, now that they were left without any check upon their authority. But their conduct was the very reverse. When they reached St. Mary's they found that Governor Stone, whom they had

[1] Maryland Archives, Council Proceedings, I, 290, 291.

deposed from office on their first visit, had reconsidered the matter and was now willing to accede to their demands and to agree to issue all writs in the name of the Keepers of the Liberties of England. They immediately reinstated him in his office and also reappointed Lord Baltimore's former Secretary, Thomas Hatton, by a proclamation of June 28, 1652.[1]

For a while affairs went on smoothly in Maryland, but towards the close of the year 1653 the relations between Stone and the Puritans of Providence became very strained. Stone imposed new oaths upon them and arbitrarily dismissed several of them from office. On the 3d of January, 1654, a petition was addressed to the commissioners by the Puritans complaining of their grievances, especially the oath, saying: "This oath we consider not agreeable to the terms on which we came hither, nor to the liberty of our consciences as Christians and free subjects of the Commonwealth of England."[2] To this petition Bennett and Claiborne replied by letter telling them to remain in obedience to the Commonwealth of England. On the 1st of March a second petition was presented to the commissioners, to which they returned a like reply. About the same time, Stone, in direct violation of his agreement with them, issued a proclamation saying that henceforth all writs should be issued in the name of the Lord Proprietary as formerly. He did this at the direction of Lord Baltimore. This act brought Bennett and Claiborne to Maryland once more. On the 4th of July Stone issued a proclamation in which he charged the commissioners with leading the people "into faction, sedition, and rebellion against Lord Baltimore," and prepared to resist their authority. The commissioners, at the head of a party of Puritans from Providence and Patuxent, then advanced towards St. Mary's and Stone consented to resign the government. By proclamation of July 22, 1654,

[1] Maryland Archives, Council Proceedings, I, 275.

[2] Virginia and Maryland, or Lord Baltimore's Case Answered, &c. Force Tracts, II, 28.

the government of the province was again vested in a Council with William Fuller at the head. The commissioners ordered an Assembly to be summoned to meet on the 20th of October, "For which Assembly all such shall be disabled to give any vote or to be elected members thereof as have borne arms in war against the Parliament or do profess the Roman Catholic religion."[1] This was the last act of the commissioners in Maryland. Cromwell approved their conduct in settling the civil government of Maryland by a letter dated September 26, 1655: "It seems to us by yours of the 29th of June and by the relation we received by Colonel Bennett that some mistake or scruple hath arisen concerning the sense of our letters of the 12th of January last; as if by our letters we had intimated that we would have a stop put to the proceedings of those commissioners, who were authorized to settle the civil government of Maryland, which was not at all intended by us, nor so much as proposed to us by those who made addresses to us to obtain our said letter; but our intention (as our said letter doth plainly import) was only to prevent and forbid any force or violence to be offered, by either of the plantations of Virginia or Maryland from one to the other upon the differences concerning their bounds, the said differences being then under the consideration of ourself and Council here; which for your more full satisfaction we have thought fit to signify to you."[2] The boundary dispute referred to was over the location of Watkins' Point.

The Puritan Assembly which met in October, 1654, passed an act concerning religion, by which toleration of the Catholic religion was withdrawn.[3] This act was copied almost bodily from the one passed in England shortly before.

When Lord Baltimore heard that Stone had again surrendered the government of the province, he wrote a letter to

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[1] Maryland Archives, Council Proceedings, I, 311.
[2] Thurloe State Papers, IV, 55.
[3] Maryland Archives, Proceedings of the Assembly, I, 340.

him upbraiding him for his conduct and commanding him to take control of the government again. Upon this Stone gathered together his forces and marched against the Providence settlement. A battle was fought on the Severn, March 25th, 1655, in which the Puritans, under Fuller, were completely successful, and Stone and most of his followers taken prisoners.[1] This left the Puritans in undisputed control of the province.

In July 1656, Lord Baltimore appointed Josias Fendall Governor, but he was Governor only in name. The Puritans continued in control of the province until the agreement with Lord Baltimore, November 30th, 1657.

Meanwhile the Virginians had been using every effort, through their agent in England, Samuel Mathews, to prevent the government of Maryland from being again placed in the hands of Lord Baltimore, and even attempted to have his charter revoked. In the first instance the matter was referred by the Council of State to a Committee of the Navy, who reported on the 31st of December, 1652, favorably to the claims of Claiborne and the Virginians.[2] This report was never acted upon. For the next five years a very bitter paper warfare was waged between Lord Baltimore on the one hand and the agents of the colony of Virginia on the other. No new points were brought out on either side. Lord Baltimore prepared his "Reasons of State Concerning Maryland in America," an attempt to show that it was to the advantage of the Commonwealth of England that Maryland should continue a separate government from Virginia, and the agents of Virginia set forth their "Objections against Lord Baltimore's Patent, and Reasons why the Government of Maryland should not be put in his hands," claiming (1) that the Maryland charter was an infringement of the rights of the colony of

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[1] Bozman, *History of Maryland*, II, 524.

[2] Virginia and Maryland, or Lord Baltimore's Case Answered, etc., p. 20. Force Tracts, Vol. 2.

Virginia, (2) that it comprehended only unsettled lands, whereas Kent Island had been settled under the Virginia Government "before the name of Maryland was ever heard of," and (3) that Lord Baltimore was a Catholic and a Royalist. Numerous other documents to the same effect appeared on both sides.[1]

In 1655, Bennett was sent over to England to assist Mathews in his attack upon the Maryland charter. He was succeeded as Governor by Diggs. The following year Diggs was also sent to England, and Mathews was elected to succeed him. Mathews was still in England at this time and he seems to have remained there until November, 1657, when the controversy was finally concluded and Lord Baltimore allowed to assume control of his province once more.

This agreement was brought about in a rather strange way. Cromwell seems to have paid very little attention to the complaints and petitions of either party. They were all referred to the Council of State and Board of Trade, but there seemed no likelihood of a decision. The Protector was rather inclined at this time to cultivate the good will of the Catholic Peers, who were none of them very zealous Royalists. The agents of Virginia, under these circumstances, seem to have despaired of accomplishing the destruction of Lord Baltimore's proprietary rights, and to have thought it best to come to an agreement with him on the best terms they could secure for their Puritan brethren in Maryland without waiting for a decision from the Council of State. Bennett and Mathews thus ceased to act in their capacity as agents for the Virginia government, and in the negotiations which followed acted as the representatives of the Maryland Puritans. The settlement seems to have been brought about through the influence of Diggs, who acted as intermediary between the two parties in negotiating the terms. A formal paper was drawn up and signed on the 30th

[1] Thurloe State Papers, V, 482–487; Hazard, *Collection of State Papers*, I, 620–630.

of November, 1657, by Lord Baltimore, on the one side, and Bennett and Mathews on the other, in the presence of Edward Diggs, and others. The terms of the settlement were as follows: (1) Lord Baltimore was not to call in question any act committed since the disturbances in the province began; (2) the people in opposition were to have patents for such land as they could claim under Lord Baltimore's conditions of plantation; and (3) Lord Baltimore promised never to give his consent to the repeal of the act of 1649, whereby all persons professing belief in Jesus Christ were allowed freedom of conscience.[1]

The Maryland Puritans accepted these terms and Puritan supremacy in Maryland came to an end.

There were no civil disturbances in Virginia under the provisional government. In January, 1660, Governor Mathews died. Richard Cromwell had resigned the Protectorate several months before. There was no ruler in England and no governor in Virginia. There had been a reaction in both countries and in March, 1660, two months before the Restoration in England, Governor Berkeley was called upon to undertake once more the government of the colony, this time by election of the House of Burgesses. Charles II was proclaimed King in Virginia in October, 1660,[2] and not before the Restoration as has been sometimes stated.

Under her Puritan Governors Virginia reached a high pitch of prosperity, and at the time of the Restoration possessed free trade, universal suffrage and religious freedom. This prosperity, however, was short-lived. Upon the Restoration the Navigation Act was enforced, the suffrage again limited, and severe laws against dissenters enacted.

After the settlement with Lord Baltimore the Virginians seem to have become reconciled to the loss of territory involved in the Maryland grant, and the two colonies settled down into relations of cordial friendship, which have seldom been

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[1] Maryland Archives, Council Proceedings, I, 332.

[2] Hening, I, 526, f. n.

interrupted, except in a local way over boundary disputes. Claiborne was compensated to some extent for his losses in Maryland by grants of land at various times from the Virginia government, which amounted in the aggregate to more than 20,000 acres. But he never recovered from the sense of injustice received at the hands of the Maryland authorities. This is illustrated by the following incident.

In January 1677, the commissioners who had been sent over to Virginia to compose the disturbances growing out of Bacon's rebellion, wrote to his Majesty that the independent provinces of Maryland and North Carolina were very prejudicial to his Majesty's interests in Virginia, and recommended that the government of those provinces might be assumed by his Majesty.[1] This seems to have kindled once more a spark of hope in the breast of Claiborne, who was now approaching the close of his life, and in March, 1677, he laid his claims before the commissioners, enclosing almost all the papers relating to the controversy. At the same time the Virginia Assembly, in an address to the King, stating their grievances, urged the cause of Claiborne's petition, showing: "that the Island of Kent in Maryland, granted to, seated and planted, by Colonel Claiborne, Sen., formerly a limb and member of Virginia (as may appear by our records, they having sent delegates to this assembly, and divers other Indian proofs and evidences), is since lopt off and detained from us by Lord Baltimore."

The commissioners referred Claiborne's petition to the King, as not being within their powers to decide, since it concerned another province, and we hear nothing further of it.

Shortly after this Claiborne died in New Kent County, Virginia, where he had settled more than twenty years before, receiving a large grant of land from the Assembly on the Pamunkey River. He organized the county and named it New Kent in remembrance of his old settlement in the Chesapeake.

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[1] Burk, *History of Virginia*, II, 259.

While it was ordained that the interests of one man should be sacrificed to the future of a great and prosperous commonwealth, we cannot help recognizing the strength of Claiborne's claims and admiring the resolution and persistency with which he defended them. He was thoroughly convinced of the justice of his cause and received for a long time the encouragement of his King, and always the hearty approval of the Virginians. In spite of the abusive epithets that have been heaped upon him, there is no reason why the slightest stigma should attach to his personal character.

The Puritans, who played such an important part in the early history of Maryland and Virginia, seem not to have left any impression that can be directly attributed to them on the political institutions of either colony. In Virginia there was always a strong undercurrent of democracy, which cropped out more than once, notably in the insurrection under Harvey and in Bacon's rebellion nearly half a century later, but these popular movements cannot with any degree of confidence be attributed to Puritan influence. In matters of religion, on the other hand, we would naturally expect to find, in Maryland, at least, some survival of the influence of the Puritan settlers, but this nowhere appears. Their influence was probably in the course of time counteracted by the Catholics.

In Virginia it was different. The Puritans who remained after the Restoration, although not radical enough to separate from the Established Church left, nevertheless, a profound impression upon that Church. If the Cavaliers outstripped them in numbers and political power, they certainly did not in spiritual force, for a spirit of moderate Puritanism continued to dominate both the clergy and laity of the Episcopal Church and its influence has not yet been lost. Three quarters of a century after the Cavalier immigration Rev. Hugh Jones wrote: "In several respects the clergy are obliged to omit or alter some minute parts of the Liturgy, and deviate from the strict discipline and ceremonies of the church; to avoid giving offence, through custom, or else to prevent absurdi-

ties and inconsistencies. Thus surplices, disused there for a long time in most churches, by bad examples, carelessness and indulgence, are now beginning to be brought in fashion, not without difficulty; and in some parishes where the people have been used to receive the Communion in their seats (a custom introduced for opportunity for such as are inclined to Presbytery to receive the sacrament sitting) it is not an easy matter to bring them to the Lord's table decently upon their knees."[1] Green says that "the habit of receiving the Communion in a sitting posture had been common" in England, but was stopped by Laud, when he became Primate in 1633.[2] It is clear that this habit had been introduced into Virginia by the early Puritans; for Rev. Hugh Jones wrote before the Presbyterian immigration had made itself felt. His book was written in 1724 just after an attempt on the part of the Bishop of London to bring the Virginia Church under stricter discipline.[3] Surplices did not come into general use in Virginia until far into the present century and in some parishes not until within the last fifty years. The Virginia diocese has always claimed to be extremely low church and it still differs radically both in doctrine and ceremonial from most of the other dioceses of the same denomination. This conservatism, we claim, is a survival of the influence of the early Puritan settlers, enforced, no doubt, by the Huguenots, who came in later, a number of whose ministers occupied Episcopal parishes.

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[1] Present State of Virginia, 69.
[2] Green, *History of the English People*, III, 159.
[3] Bishop Perry's Collection of MSS., 257, ff.

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IS HISTORY PAST POLITICS?[1]

By HERBERT B. ADAMS.

There have been frequent criticisms of Mr. Freeman's famous definition, "History is Past Politics, and Politics are Present History." The phrase occurs in varying forms in Mr. Freeman's writings,[2] and was adopted as a motto for the Johns Hopkins University Studies in the year 1882, soon after the historian's visit[3] to Baltimore. The motto was printed not only upon the title page of our published Studies, but also upon the wall of our old Historical Seminary. Mr. Freeman kindly wrote for us an Introduction to American Institutional History and, by his long-continued correspondence, gave great encouragement to our work.

Ten years after his visit to Baltimore, Mr. Freeman contributed to *The Forum* a review of his opinions, saying at the close of his article: "It is that chance proverb of mine which the historical students of Johns Hopkins have honored me by setting up over their library, it is by the application which I have made of it both to the events of the remotest times and to the events which I have seen happen in the course of sixty-

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[1] A paper read in Baltimore, November 30, 1894, at the Sixth Annual Meeting of the Association of Colleges and Preparatory Schools in the Middle States and Maryland.

[2] For references, see Johns Hopkins University Studies, Vol. I, 12.

[3] For an account of this visit, see Studies, Vol. I, 5–12.

nine years, that I would fain have my life and my writings judged." These were probably the last words addressed to American readers by the historian of Sicily, who died at Alicante, in Spain, March 16, 1892, one month before the appearance of his last magazine article.

A brief review of Mr. Freeman's Philosophy of History will serve to set our chosen motto in a clear light. He regarded Greek politics as the beginning of the world's state life. For him the Achaian League of Greek cities was the historic forerunner of the Federal Union of these United States. For him the real life of ancient history lay "not in its separation from the affairs of our own time, but in its close connection with them." (Office of the Historical Professor, 41.) For him the records of Athenian archons and Roman consuls were essential parts of the same living European history as the records of Venetian doges and English kings. It mattered little to this large-hearted, broad-minded historian of Comparative Politics whether he was writing of free Hellas or free England, of Magna Graecia or the United States. He wrote political articles on the Eastern Question and the Danube provinces for the *Manchester Guardian* or *Saturday Review* in the same spirit in which he wrote historical essays.

Mr. Freeman strongly believed that the main current of human history runs through the channel of politics. In the first published course of his lectures at Oxford, 1884–85, on "Methods of Historical Study," p. 119, he maintained that history is "the science or knowledge of man in his political character." He regarded the State as the all-comprehending form of human society. He used the word "political" in a large Greek sense. For him the Politeia or the Commonwealth embraced all the highest interests of man. He did not neglect the subjects of art and literature. Indeed, he began his original historical work with a study of Wells Cathedral in his own county, and throughout his busy life he never lost interest in architectural and archæological studies. For him Roman art and the Palace of Diocletian were but illustrations

of Roman life and character. Civilized man lives and moves and has his being in civil society. Cathedrals, palaces, colleges, and universities are simply institutions within the State, owing their security and legal existence to State authority.

Mr. Freeman regarded present politics as history in the making. The struggles and conflicts of the present are the results of historic forces. When great problems are settled by war, legislation or diplomacy, the facts are accepted and are added to the great volume of human history. Freeman carried this view so far that he said: "The last recorded event in the newspapers is, indeed, part of the history of the world. It may be and it should be studied in a truly historic spirit."[1]

Such was the comprehensive philosophy of the great English master of history and politics. It has made a profound if not a permanent impress upon the minds of many young Americans. It has entered into their consciousness and into their studies of institutional history. The motto which we have chosen for our published monographs and for our Seminary wall is a good working theory for students engaged in the investigation of laws and institutions of government. No representative of the Johns Hopkins University, however, ever maintained that all history was past politics, but only

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[1] Professor Jesse Macy, in his paper read before the American Historical Association at Chicago in 1893, on the Relation of History to Politics, said: "No other original source of history can be compared in importance with present politics." (See Annual Report for 1893, p. 185.)

At the time of the American Civil War, Charles Kingsley, then professor of history at Cambridge, said: "I cannot see how I can be a Professor of past Modern History without the most careful study of the history which is enacting itself around me." Accordingly he proceeded to lecture on American History. Mr. Freeman had the same historical impulse, but he preferred to begin his treatment of Federal Government with the Achaian League. He evidently intended to include the American Union in his system of "Past Politics," for, upon his title-page, he mentioned "the Disruption of the United States" as the final limit of his work; and he always insisted that Secession was Disruption. The Union was badly broken, but it was finally mended and preserved, and is still engaged in politics.

that some history is past politics, and the kind of history that we investigate is chiefly of that order. It is not out of place to observe, with Mr. Freeman's biographer, William Hunt, that "politics are the chief determining forces in a nation's life, in that they control and direct the production and application of wealth, the habits, aspirations, and to a large extent, the religion of a people, and that they are, therefore, the foundation of all sound history." (From the Proceedings of the Somerset Archæological and Natural History Society, Vol. XXXVIII: 13.)

While politics and laws are the foundation of the upper strata of history, and while history itself is the deep and eternal substratum of politics, it is well to remember that there are some things in the world which are neither politics nor history. For example, individual and domestic life is neither historical nor political, unless in some important way it affects the common life of society.[1] Here lies the true distinction between biography and history. Froude and Carlyle were champions of the biographical idea in history-writing. In his Inaugural Address at Oxford, Froude said that the function of the historian is to discover and make visible illustrious men and pay them ungrudging honor. He strongly approved of Carlyle's saying: "The history of mankind is the history

[1] Paul Lindau, in the *Public Ledger* (Philadelphia), November 28, 1894, calls attention to the interesting sociological fact that the Bismarckian household exhibited a type of patriarchal family life, curiously surviving in this nineteenth century. In this case domestic life becomes of historic interest. The influence of the late Princess Bismarck was indirectly and unconsciously political because of her relation to the Iron Chancellor in the days of his activity. Lindau says, "She warmed the home with the sunny simplicity of her nature, and when storms were raging wildly without, she afforded her wearied and sorely tried husband a comfortable corner wherein to forget the excitements and trouble of the day and to take innocent pleasure in life amid the home circle, and to collect his strength for renewed efforts. In this way the Princess played indirectly a part in politics that was not unimportant, although she never sought to make her strong personal influence felt in political questions."

of its great men; to find out these, clean the dirt from them, and place them on their proper pedestals, is the true function of the historian." Carlyle thought history the essence of innumerable biographies, but it may be urged that all biographies since the world began would not constitute history, unless they recognize the all-uniting element of civil society and of the common life of men in connection with human institutions. No biography is of the least historical importance unless it treats man in his social or civic relations. This Greek idea of man as a political being, of man existing in an organized community or commonwealth, is absolutely essential to a proper conception of history. Indeed, we may go further and say with Goldwin Smith: "There can be no philosophy of history until we realize the unity of the human race and that history must be studied as a whole." (Lecture on History, p. 46.) This is very different from Froude's doctrines that "what is true of a part is true of the whole" and that "History is the record of individual action," both of which statements are manifestly untrue.

Without ignoring the heroes of Froude and Carlyle, or the obscure annals of American local history, we of the Johns Hopkins University realize that the world is round and are inclined to go even further up the stream of Past Politics than did our friend and patron, Mr. Freeman. We are unwilling to begin our course of historical study with old Greece or Aryan Europe. We seek the origin of more ancient cities than Athens and Sparta. We wish to know the laws and customs of the earliest races of men. We are disposed to recognize primitive man and society as worthy of a place in the study of rudimentary institutions. The village community, the patriarchal tribe, the first communal families, are all worthy of historical attention. Indeed, we are not averse to the discovery of institutional germs, like marriage and government and economy, even in the animal world. We are accustomed to say that history begins with the stone axe and ends with the newspaper. We believe that the beginning and end of history

is man in society. As Colonel William Preston Johnston well said in his paper published by the American Historical Association (1893, p. 47): "Man is the first postulate of history. He is the beginning and the end of it. He enacts it; he tells it; he accepts it as a message or gospel for guidance and self-realization. Man, mind, phenomena, memory, narrative—and history is born." Man in the State, Man as a Social Animal, Man living and moving in institutional groups,—this historical conception, which is as old as Aristotle, we of the Johns Hopkins Historical Seminary regard as truly scientific and as practically modern. Its revival is due to the Renaissance of Greek and Roman politics in this nineteenth century.

Let us now inquire from what historical source Freeman derived his notion that "History is Past Politics." The historian of the Norman Conquest received his inspiration from Dr. Thomas Arnold, the father of modern studies in the schools and colleges of England. The Headmaster of Rugby not only revolutionized the public school life of our mother country in educational and moral ways, but he carried his Greek ideas of history into the University of Oxford, from which they have gone forth through England and America in one of those great intellectual movements so characteristic of modern university influence.

In his Inaugural Lecture at Oxford in 1884, on the Office of the Historical Professor, pp. 8–9, Mr. Freeman said: "Of Arnold I learned what history is and how it should be studied. It is with a special thrill of feeling that I remember that the chair which I hold is his chair, that I venture to hope that my work in that chair may be in some sort, at whatever distance, to go on waging a strife which he began to wage. It was from him that I learned a lesson, to set forth which, in season and out of season, I have taken as the true work of my life. It was from Arnold that I first learned the truth which ought to be the centre and life of all our historic studies, the truth of the Unity of History. If I am sent hither for any special object, it is, I hold, to proclaim that truth, but to proclaim

it, not as my own thought, but as the thought of my great master."

From Arnold, more than from any other teacher or writer, Freeman learned that history is a moral lesson. In this strong conviction Freeman, in one respect at least, stands upon common ground with Froude, who said of history: "It is a voice forever sounding across the centuries the laws of right and wrong. . . . Justice and truth alone endure and live. Injustice and falsehood may be long-lived, but doomsday comes at last to them, in French revolutions and other terrible ways." In death the two great historians of England are now united. Their ethical views of human history are essentially the same. Freeman said of the historian of Rome, one of his predecessors at Oxford: "In every page of his story, Arnold stands forth as the righteous judge, who, untaught by the more scientific historical philosophy of later days, still looked on crime as no less black because it was successful, and who could acknowledge the right even of the weak against the strong." Throughout his entire career as a publicist and as an historian, Freeman was the champion of liberty against oppression, of down-trodden Christian nationalities against the unspeakable Turk.

It was from Thomas Arnold that Freeman learned the great lesson that the history of Greece and Rome is really nearer to the modern world than are many chapters of mediæval history. In his lectures at Oxford, p. 62, Arnold had said "what is miscalled ancient history" is "the really modern history of the civilization of Greece and Rome." He maintained that the student finds, upon classic ground, "a view of our own society, only somewhat simplified," like an introductory study. (Lectures on Modern History, p. 220.) Arnold looked on old Greece as the springtime of the world, and upon Rome as the full political development of classical ideas of state life. The world is still moving along the imperial lines laid down in Church and State by the eternal city. Freeman regarded Rome as the source of all modern politics, the great

lake from which all streams flow. In his Inaugural Lecture at Oxford, p. 10, Freeman said: "Arnold was the man who taught that the political history of the world should be read as a single whole. . . . That what, in his own words, is 'falsely called ancient history,' is, in truth, the most truly modern, the most truly living, the most rich in practical lessons for every succeeding age."

Dr. Arnold conceived of ancient history as living on in present society. Modern history has preserved the elements of earlier civilizations and have added to them. (See Lectures on Modern History, 46.) For Arnold, past politics were embryonic forms which, in modern society, have reached their maturity. His idea of historical politics resembles Dr. Wm. T. Harris' idea of education, which, for every well-trained scholar, should repeat the intellectual experience of his predecessors, including the Greeks and Romans, whose culture endures in our so-called liberal arts or fair humanities. Dr. Arnold once said that he wished we could have a history of present civilization written backwards. This kind of historical knowledge would certainly be welcome to practical statesmen and contemporary sociologists.

It was undoubtedly from Arnold that Freeman derived his conception of history as past politics. Arnold was thoroughly imbued with the old Greek idea of the State as an organic unity. He defined history "not simply as the biography of a society, but as the biography of a political society or commonwealth." (Lectures, 28.) For him the proper subject of history is the common life of men, which finds its natural expression in government and civic order. He once said that the history of a nation's internal life is "the history of its institutions and of its laws." Under this latter term the Greeks included what we call institutions. The Republic and the Laws of Plato and Cicero represent the classical beginnings of modern political science.

Thomas Arnold, the editor of Thucydides and the historian of Rome, was largely influenced by his classical studies, but

his own historical work was determined by the views of Barthold George Niebuhr,[1] who may be called the real founder of the modern science of institutional history. Niebuhr laid little stress upon individual characters and individual action in Roman history, but great emphasis upon Roman laws, institutions, and public economy. He found significance in Roman farming and land tenure as well as in Roman conquest. He was one of the first among modern scholars to recognize the importance of the historic state and its constitutional development. He lived in the period following the French Revolution, before which time men had endeavored to construct history from their own imaginations and to reconstruct society upon preconceived principles or so-called philosophy. Niebuhr based his treatment of Roman history upon actual research and careful criticism. He too had a moral conception of the historian's task and endeavored to bring all the lessons of old Roman courage, fortitude, energy, perseverance, and manliness to bear upon the education and regeneration of Prussia and New Germany. The foundation of the historico-political school was laid by Niebuhr, Eichhorn, Savigny, Baron vom Stein, George Pertz, and Gervinus during the period of Germanic reconstruction in Europe after the downfall of Napoleon.

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[1] Arnold in a letter to Chevalier Bunsen, thus expresses his profound indebtedness to Niebuhr for pioneer labors and critical suggestions in the field of Roman history: "I need not tell you how entirely I have fed upon Niebuhr; in fact I have done little more than put his first volume into a shape more fit for general, or at least for English readers, assuming his conclusions as proved, where he was obliged to give the proof in detail. I suppose he must have shared so much of human infirmity as to have fallen sometimes into error; but I confess that I do not yet know a single point on which I have ventured to differ from him; and my respect for him so increases the more I study him, that I am likely to grow even superstitious in my veneration, and to be afraid of expressing my dissent even if I believe him to be wrong. . . . Though I deeply feel my own want of knowledge, yet I know of no one in England who can help me; so little are we on a level with you in Germany in our attention to such points." (See Stanley's Life and Correspondence of Thomas Arnold, p. 269.)

The whole modern school of German and English historians was influenced by the critical and institutional methods of Niebuhr. In Germany, Otfried Müller applied Niebuhr's principles to the study of Dorian tribes and Hellenic states. Boeckh turned his attention to the public economy of Athens. Curtius, the greatest living historian of old Greece, recognizes his debt to Niebuhr. Ranke, the greatest of all historians, whether ancient or modern, spoke thus warmly of Niebuhr's example: "The greatest influence upon my historical studies was exerted by Niebuhr's Roman history. It afforded a powerful stimulus in my own investigations in ancient history, and it was the first German historical work which produced a profound impression upon me." ("Aus Leopold von Ranke's Lebenserinnerungen," Deutsche Rundschau, April, 1887, p. 60.) Ranke extended to modern and universal history the principles of historical criticism which he had learned from Niebuhr's Rome.

The subject of Ranke's Inaugural Lecture at the University of Berlin in 1836 was "The Relation and the Difference between History and Politics." He clearly recognized that the continuity of history appears pre-eminently in States. One generation of men succeeds another, but States and institutions live. He cited the example of Venice, whose State life endured uninterruptedly from the decline of the Roman empire to the time of Napoleon. He recognized that nothing historic really perishes from the earth. Old institutions are merged into higher and more perfect forms. A new life appears, with a new series of historical phenomena. He too saw the intimate relations between past politics and present history. He said: "A knowledge of the past is imperfect without a knowledge of the present. We cannot understand the present without a knowledge of earlier times. The past and the present join hands. Neither can exist or be perfect without the other." (Ranke: Abhandlungen und Versuche, p. 289.)

Ranke believed in the unity and the universality of history as strongly as did Freeman himself. "History is in its very

nature universal," said Ranke. His friends say that he never wrote anything but universal history. He treated individual countries, Germany, France, and England, not as isolated nations, but as illustrations of world-historic ideas of religion, freedom, law, and government, expressed or realized by individual European States. For Ranke as for Abelard, that master mind of the Middle Ages, the universal could be discerned in the particular. Even local[1] history may be treated as a part of general history. Ranke's first book, on the History of Latin and Teutonic Peoples, was really a contribution to universal history. The last work of his life, on "Weltgeschichte," was begun at the age of ninety, and was but a natural supplement and philosophical rounding-out of all that he had done before. There is, therefore, a perfect unity between the beginning and end of his life-long task.

Ranke saw in history the resurrection and the immortality of the past. He regarded it as the historian's duty to revive and reconstruct past ages or past events from apparently dead records. In this pious labor he found the greatest joy. He once said: "He needs no pity who busies himself with these apparently dry studies, and renounces for their sake the pleasure of many joyful days. These are dead papers, it is true; but they are memorials of a life which slowly rises again before the mind's eye." Ranke is the best type of the truly scientific historian, for his principle was to tell things exactly as they occurred. He held strictly to the facts in the case. He did not attempt to preach a sermon, or point a moral, or adorn a tale, but simply to tell the truth as he understood it. He did not believe it the historian's duty to point out divine providence in human history, as Chevalier Bunsen endeavored to do; still less did Ranke proclaim with Schiller that the history of the world is the last judgment, "Die Weltgeschichte ist das Weltgericht." Without presuming to be a moral cen-

[1] A good illustration of this fact may be seen in Howell's study of Lexington in his "Three Villages."

sor, Ranke endeavored to bring historic truth in all its purity before the eyes of the world and to avoid such false coloring as Sir Walter Scott and writers of the romantic school had given to the past.

The conception of history as politics survives in Germany as it does, and will do, in England and America. William Maurenbrecher, in his Inaugural Address on History and Politics at the University of Leipzig in 1884, maintained that history relates more especially to politics, to men and peoples in civic life. While recognizing that there are other fields of historical inquiry beside the State, such as religion and the church, art and science, he urged that history proper is political history, which he calls the very flower of historical study. Without law and order and good government, there can be no art or science or culture within a given commonwealth. All the finer forces of society live and move within the limits of civil society. The bands which unite history and politics cannot be broken. History reaches its goal in politics and politics are always the resultant of history. The two subjects are related like our own past and present. The living man preserves in memory and his own constitution all that has gone before. No tendency in politics can be called good which does not take into account the historical development of a given people. Whoever will understand the political situation of any State must study its past history.

These are the views of one of the best modern academic leaders of German youth, of a man now dead, but his spirit lives in his pupils. Gustav Droysen is also dead, but his principles of historical science, translated into English by President Andrews, of Brown University, have become a *Vade Mecum* of American teachers. Droysen has perhaps the highest of all conceptions of history, for he calls it the self-consciousness of humanity, the Know Thyself of the living, advancing age. But he too recognizes that History is Past Politics, for he says, "What is Politics to-day becomes History to-morrow."

Niebuhr's ideas of political history were transmitted to England through Arnold, Freeman, Goldwin Smith, and J. R. Seeley,[1] all of whom hold to the view that History *is* Past Politics. Niebuhr's ideas of institutional history were eagerly caught up by that enthusiastic lover of liberty, Francis Lieber, who, returning penniless from his private expedition to Greece in the time of her Revolution, lived for a time as a tutor in Niebuhr's family at Rome. By Niebuhr's advice he emigrated from reactionary Prussia, first to England and then to America. The ripened fruit of Niebuhr's teaching may be seen in Lieber's writings on Civil Liberty and Political Ethics. Lieber's ideas of liberty were widely removed from the fantastic, philosophical dreams of the eighteenth century, and are based upon an historical study of English self-government. For him civil liberty meant institutional liberty.

Francis Lieber represents the first beginnings of the historico-political school in American colleges and universities, where he always maintained that history and politics belong together. In South Carolina College he taught both of these subjects, together with Say's Political Economy. In his plan for the reorganization of Columbia College in New York City, he recommended the intimate association of historical, political, and economic subjects. When he was called to Columbia College from Columbia, South Carolina, in 1857, the following branches of the tree of knowledge were assigned to the new professor: Modern History, Political Science, Interna-

[1] Professor J. R. Seeley, in his "Expansion of England," pp. 1, 166, thus states his practical and political views of history:

"It is a favorite maxim of mine, that history, while it should be scientific in its method, should pursue a practical object. That is, it should not only gratify the reader's curiosity, but modify his view of the present and his forecast of the future.

"Politics and History are only different aspects of the same study. . . . Politics are vulgar when they are not liberalised by history; and history fades into mere literature when it loses sight of its relation to practical politics."

tional Law, Civil Law, and Common Law. This was about as comprehensive a scheme of instruction as that projected in the University of Michigania in 1817, when a Scotch Presbyterian Minister, John Monteith, was given six professorships, in addition to the presidency, and when Gabriel Richard, the Roman Catholic Bishop of Michigan Territory, was allowed the six remaining chairs in the faculty! But Francis Lieber was right in his large conception of a new school of History, Politics and Law as a desirable unit in academic administration. Modern Columbia, under the influence first of Professor John W. Burgess, and now of President Low, has discovered the ways and means of developing a great School of Political Science, in which Economics, History, and Sociology find their proper place, all in perfect harmony with the interests of a special faculty of Law.

In the reorganization of the departments of History, Politics and Economics at Cornell, Harvard, Michigan, and Wisconsin Universities, these subjects have been intimately associated. At the Johns Hopkins University, from the beginning in 1876, they have never been divided. They are still harmoniously grouped together, both on the graduate and undergraduate sides of instruction, for greater educational efficiency and for department unity. History, politics and economics,—these, together with historical jurisprudence, form the chief elements of our system of graduate study in the three years' course for the degree of Doctor of Philosophy. We shall doubtless retain our motto, "History is Past Politics and Politics are Present History," as a convenient symbol of the essential unity of all political and historical science, and as a pleasant souvenir of Mr. Freeman.

In the attempts of college and university men to deal with present problems of political, social, and educational science, we must all stand together upon the firm ground of historical experience. Mere theories and speculations are unprofitable, whether in the domain of pedagogics, sociology, finance, or governmental reform. In the improvement of the existing

social order, what the world needs is historical enlightenment and political and social progress along existing institutional lines. We must preserve the continuity of our past life in the State, which will doubtless grow like knowledge from more to more.

Frederic Harrison, in an essay maintaining that "The Present is ruled by the Past," well says: "The first want of our time is the spread amongst the intelligent body of our people of solid materials to form political and social opinion. To stimulate an interest in history seems to me the only means of giving a fresh meaning to popular education, and a higher intelligence to popular opinion." He asks us what is this unseen power, this everlasting force, which controls society? "It is the past. It is the accumulated wills and works of all mankind around us and before us. It is civilization. It is the power which to understand is strength, to repudiate which is weakness. Let us not think that there can be any real progress made which is not based on a sound knowledge of the living institutions and the active wants of mankind. . . . . Nothing but a thorough knowledge of the social system, based upon a regular study of its growth, can give us the power we require to affect it. For this end we need one thing above all—we need history, hence its pre-eminent worth in social education."

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